

THE TIMES

THE TIMES Tomorrow

Polls...
David Butler on the real issues in the European elections
... apart
Richard Owen from Moscow on the meeting of the Supreme Soviet, at which Chernenko is expected to be elected head of state
Looking East
Jonathan Mirsky looks at Deng Xiaoping, the man Britain must face at next week's Hong Kong negotiations



Looking West
As finance ministers fly to Washington, Frances Williams examines the problems facing the IMF
Looking South
Mitchell Platts previews the US Masters from Augusta, Georgia

Nicaraguan rebels may lose US aid

Congress, concerned about mounting evidence of direct American involvement in the mining of Nicaraguan ports, may stop the Reagan Administration's covert funding of the CIA-backed rebels. The Democratic-controlled House of Representatives is expected to block \$21m in aid. **Page 6**
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Show-stealer

Hollywood films scooped all the Oscars at the Los Angeles screen award ceremonies. *Terms of Endearment*, starring Shirley MacLaine, won five awards. **Page 3**

Marbles stay

Britain has rejected Greece's official request to return the Elgin Marbles. Athens indicated that the matter would not rest there. **Page 6**

Ulster review

A former High Court judge's Ulster law review says non-jury trials should continue but criticizes the size of big "supergrass" trials. **Page 2**



Savoy chief goes

Sir Hugh Wontner, one of the longest-serving company chairmen in Britain, retires on May 1. He has been chairman of the Savoy Hotel since 1948.

GCHQ verdict

The GCHQ communications officer Mr George Franks, died in his flat from natural causes, the East Sussex coroner has ruled. **Page 3**

Wheeler 'No'

Peter Wheeler, England's rugby captain, announced that he would not be available to tour South Africa. **Page 25**

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Ministers blamed for police 'dilemma' on pits

● The Opposition accused the Government yesterday of using the police in the miners' strike to enforce the civil law. **Parliamentary report, page 4**
● Mr Ian MacGregor, the coal board chairman, in a robust defence of his policy, said that the NUM is making misleading claims about the industry **Page 2**
● Durham miners' leaders changed their stance on a pithead poll, giving a fillip to the left-wingers who are trying to avoid a national ballot **Page 2**
● After the police found 4-in nail spikes where police horses were operating, the coal board accused some pickets of using brutal tactics **Page 2**

By Julian Haviland, Political Editor

Labour accused the Government in an ill-tempered debate on the policing of the miners' dispute yesterday of using the police as surrogates for the Employment Act, 1980 - and the Labour Opposition was blamed for having put the police in the dock.

Mr Leon Brittan, Home Secretary, said nobody could have the slightest doubt about the intentions of the militant miners' leaders.

It was to avoid a national ballot and to end the coalfields by picketing and intimidation on such a scale that those who wanted to work would be deterred or physically prevented.

Mr Gerald Kaufman, the Shadow Home Secretary, said the civil code appended to the Employment Act, 1980, had become *de facto* an adjunct of the criminal law. Police were enforcing the civil law to fill a gap caused by the employers' reluctance to use the statute.

Mr Kaufman blamed ministers for the "intolerable dilemma" which had led the police into many actions which they wished they did not have to take.

The Government won the vote comfortably by 321 to 164 - a majority of 157 - with Alliance support.

The debate was opened in mild terms by Mr Allen McKay, Labour MP for Barnsley West and Penistone, who on Monday persuaded the Speaker of its urgency.

He said he was not out to attack the police, only the "heavy methods" of some police in some areas. Most men on picket lines, from small mining villages, had a good relationship with their local bobbies.

He said that, however difficult the job of the police, the public still expected them to be even-handed and to impose the law with sensitivity. Serious allegations had been made, which, if true, raised serious questions.

Some Labour MPs' constituents, "good, honest men", had been handcuffed, photographed, finger-printed and put in the cells.

Mr Brittan wished to establish that all specific complaints would be investigated. He pointed out that, after an operation of several weeks involving up to 7,000 extra

Case against strike

MacGregor rebuffs union

By David Young, Energy Correspondent

The leadership of the National Union of Mineworkers was making misleading claims which did not stand up to factual examination, Mr Ian MacGregor, chairman of the National Coal Board, said in London yesterday.

"There is no justification for the strike, which is by no means backed by all members, becoming the cause of widespread hardship and disruption," he said.

"Wrong," said Mr MacGregor is the union's claim that Britain produces the cheapest deep-mined coal in the world.

"Wrong" is the claim that the board is butchering the industry.

"Wrong" is the union's claim that any pit with a workable reserve should be kept open.

"Wrong" is the union's demand for increased government subsidies.

Mr MacGregor's robust defence of his policy for the industry and his plan to pursue the aims published by the Government, the union and the board in the 1974 *Plan for Coal* was clearly aimed at the executive of the union, which meets in Sheffield tomorrow, although delivered to an audience which included representatives from the board's main customers and competitors.

Mr MacGregor also called on other unionists who are being asked to back the miners to bear in mind that no miner has, or will ever be, threatened with compulsory redundancy and those who choose to give up their jobs do so on terms better than those offered to any other industrial worker in Britain.

He said: "It has been repeatedly argued that Britain produces the cheapest deep-mined coal in the world. If that were true there would be no problems in the industry. The facts, alas, are very different.

"On average British coal costs about £46 a tonne at the pithead. For coal of comparative quality the price in New South Wales is between £16 and £19 a tonne, and in the Appalachians in the US between £23 and £27. The NCB has still not seen any evidence to support the NUM claim."

Mr MacGregor said that the union's claim that he was butchering the industry could be answered by the fact that £2m a day was being invested in new mines and in modernizing machinery.

He said: "Our union also argues that the Government should provide bigger subsidies. There is no job security in subsidies. Governments can withdraw from subventions at any time. That is already happening in Western Europe."

● The night shift at the Cresswell colliery in Derbyshire was cancelled after scenes of violence during a mass picket there by 1,000 miners on Monday.

Night workers will be asked to fit in with either the morning or day shift until further notice.



The Emir of Bahrain being greeted by the Queen at the start of his four-day state visit to Britain. Mrs Thatcher met him at Windsor and attended last night's state banquet. She will meet him again for talks today.

Russians 'ignored spying offers from MI5 man'

By Stewart Tendler, Crime Reporter

An MI5 officer adopted the Soviet cause, decided to spy from within the security service's counter-espionage branch and tried to offer himself to the KGB by delivering material through a Russian diplomat's letter-box at dead of night, a jury at the Central Criminal Court was told yesterday.

But the Russians failed to respond to the material, covering the background to the "operation" of three Russian diplomats and a British assessment of Russian intelligence efforts in London. Michael Bettaney is then alleged to have planned to go to Vienna and approach the KGB there.

Yesterday Mr Bettaney, aged 34, of Victoria Road, Coudon, south London, pleaded not guilty before the Lord Chief Justice, Lord Lane, to 10 charges under the Official Secrets Acts, between December 1982 and September last year. Each carries a maximum sentence of 14 years.

At the beginning of a trial expected to be held almost entirely in camera, Sir Michael Havers, QC, the Attorney General, said that some of the information Mr Bettaney had gathered to pass to the Russians was so sensitive that the jury would not see the documents. Sir Michael said there were

some things which could not be shown even to him.

Sir Michael said that Mr Bettaney had been arrested last September, "before he was able to pass over the major proportion of the secret information that he had collected, and the grave damage to this nation that would have ensued was averted."

An Oxford graduate and a middle-ranking member of MI5, Mr Bettaney later told the police that by the summer of 1982 he had concluded that he must do all he could to help the Soviet Union. Motivated by ideology, not money, he decided to become a spy. Sir Michael said.

He planned to offer himself

as an agent when he took up a post in counter-espionage. After joining the branch in December 1982 he started gathering material and approached Mr Arkady Gouk, a diplomat at the Soviet Embassy whom he believed was a KGB officer, last April.

Mr Gouk, a married man with a family, is a first secretary at the Embassy.

Sir Michael said Mr Bettaney delivered a letter to his home at midnight. It included instructions on an elaborate system of communication involving tapping a canister of film to a lavatory cistern at a cinema. There was no response. In June, Mr Bettaney delivered a second letter with details from a top secret paper assessing the KGB's "order of battle" in London.

There was still no response and in July Mr Bettaney tried again with a third approach to Mr Gouk's home in Holland Park. He said he would telephone at given times. The calls went unanswered, the court was told.

Sir Michael said Mr Bettaney continued to gather material, but he was arrested in September and typewritten material and photographic material were found at his home.

Letter boxes ignored, page 5

Two hundred servicemen were brought by helicopter from Army bases on the edge of the town to a football field behind the hospital, and by boat to a jetty on the shore near by. They helped to evacuate nine civilian and 14 military patients to the town hall 400 yards away, where an emergency field hospital was set up.

Among the rescuers was Sir Rex Hunt, the civil commissioner, who was roused from his bed at Government House, a short distance away, by the sound of a fire alarm. He described the disaster as a great tragedy among such a small population. During the conflict with Argentina only three civilians died.

The cause of the fire remained unknown last night, although unconfirmed reports said that it started in a

Letter boxes ignored, page 5

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Shuttle gets claw into Solar Max

From Trevor Fishlock, New York

"We've got it!" Captain Robert Crippen, commander of the space shuttle Challenger, shouted. The shirt-sleeved technicians at Mission Control in Houston rose to their feet and cheered.

They also stopped biting their nails. The struggle to retrieve the disabled Sun-studying satellite Solar Max was over, and dented pride had been restored.

The main purpose of the eleventh shuttle mission was to demonstrate a servicing and repair capability, showing how shuttles could be used in the building, and maintenance of space stations.

After the failure of the retrieval attempt on Sunday the five-man crew of Challenger were left with only "a fighting chance" of grasping the quarter-ton satellite with the shuttles 50ft robot claw.

The efforts of the astronaut Dr George Nelson to wrestle the satellite into a stable position had only made its rolling worse, and several attempts to capture it with the claw were unsuccessful.

The retrieval needed all the lip-biting concentration and delicate touch of a cat death-grip. The end of the end with the claw, the end of the end with the claw, the end of the end with the claw.

It has a tense wait. Then the radio link was restored and the triumphant message came from Challenger. The satellite was hauled into the cargo bay.

Now the crew have to remove damaged electronic components and put in new ones. If this is successful the satellite will be reinstalled in its orbit 300 miles above the Earth tomorrow for another two years of service.

If the repair is not successful Solar Max will be carried back to Earth. Challenger is now to return to Cape Canaveral on Friday, one day later than planned.

Train robber's tax deal

Mr Charles Wilson, who was jailed in 1963 for his part in the Great Train Robbery, has paid £400,000 to the customs and excise to avoid court proceedings, it was disclosed last night.

Officials have agreed not to pursue a value-added tax fraud conspiracy charge against him in exchange for settlement on another charge involving tax payments.

Mr Wilson, aged 51, who served 12 years of a 30-year sentence, was allowed to pay to have proceedings disposed of, or "compounded", at the Central Criminal Court on Friday.

His solicitor, Mr George Mackenzie, confirmed last night that the sum paid was £400,000.

Mr Wilson and seven others appeared last October at the court accused of a gold coin value-added tax swindle, said to have cost taxpayers £2.4m.

Six were acquitted, and one found guilty and jailed. The jury could not reach a verdict on Mr Wilson. Last Friday he appeared at the court facing a charge of conspiracy to defraud and another believed to concern the payment of tax under Section 167 of the Customs and Excise Management Act, 1979.

The new charge allowed customs officials to invoke Section 152 of the 1979 Act, which permits compounding.

Threat of boycott over Zola Budd

From Pat Butcher, New York

Wendy Sly, Britain's leading woman middle distance runner, has joined the dispute over Zola Budd's eligibility to run for Britain in this summer's Olympic Games in Los Angeles.

Mrs Sly, who was fifth in both the 1,500 metres and the 3,000 metres at the World Championships in Helsinki last August, is threatening to boycott Britain's Olympic Trials at Crystal Palace on June 6 and Gateshead on June 10, if the International Olympic Committee favours Miss Budd and waives its one year residence qualification and three-year probationary period for athletes changing nationality.

The granting of British citizenship to Miss Budd last week makes her eligible to race internationally. As a South African, she was barred from competition under the auspices of the International Amateur Athletic Federation and the IOC.

Now the 17-year-old who has run the fastest time in the world for the 5,000 metres by a woman can run for Britain. But the speed with which her tenuous qualification for citizenship has been granted - her paternal grandfather was English - has annoyed Britain's leading women middle distance runners.

Mrs Sly, who has spent the last three months training and racing in the United States said from her base in Tampa, Florida, yesterday that she had hoped to keep out of the dispute by being so far away but feels she should make a stand. She is due to return to England next month, and is waiting for the outcome of the IOC's deliberations of Miss Budd's eligibility before taking a final decision.

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Couple's old 'electric lamp' brings £421,200

By Geraldine Norman, Sale Room Correspondent

A Chinese porcelain vase that had been wired up for use as an electric lamp and a few months ago was sold for £421,200 at a Christie's auction yesterday, one of the top prices on record for oriental art.

The Chagoss couple who owned it had inherited it without any knowledge of its value.

When they visited the Burrell collection gallery, a superb Glasgow collection recently opened to the public, they were surprised to see what appeared to be the twin of the vase they had at home. They took it to Christie's to see if they were right, and were advised that it might make as much as £200,000. Yesterday's price ran well beyond predictions.

The vase dates from the second half of the fourteenth century and is decorated with a rich floral pattern, beneath the glaze in copper red. While ceramic artists could produce a fine rich blue at this date they had a lot of difficulty with red; this gives red prices an extremely high rarity value.

The vase was bought by Mr Jack Chia, a multi-millionaire collector based in Singapore. His business empire stretches across Asia and takes in the Canton Street Sports Club in the City of London as well as property in Australia.

Falklands hospital a known fire risk

By Alan Hamilton

Staff at the Falkland Islands' only hospital in Port Stanley had said that there was an extreme fire hazard and had asked urgently for new accommodation, more than a year before it was destroyed by fire yesterday, killing seven patients and a British nurse.

Miss Jacqueline Cant, the hospital's former matron, who returned to Britain last July, told *The Times* last night that she and other medical staff had prepared a report on the hospital's dangerous condition for the islands' government.

"We were extremely concerned about the condition of the old building, particularly as it was obliged to cater for many more patients, including military personnel, in the wake of the Falklands war," Miss Cant said.

"All we were able to achieve was to have the very old and dangerous electric wiring replaced. The building was not only dangerous, but inadequate."

The Overseas Development Administration in London confirmed last night that it had prepared its own report last year on the need for a new hospital in Stanley, and had intended to send out an architect to the Falklands soon after Easter.

The alarm was raised at 4.30 am local time, but it was nearly two hours before RAF firefighting teams from Stanley airfield, hampered by bad roads, were able to reach the scene to aid the town's tiny volunteer fire brigade.

The King Edward Memorial Hospital, its oldest part dating from 1914, was, like most buildings in Stanley, constructed of wood with a corrugated iron roof.

There were fears that a westerly gale might fan the flames across the entire town, but in the event only two houses near by were destroyed, in addition to most of the hospital, including its recently-built military wing of portable buildings.

Two hundred servicemen were brought by helicopter from Army bases on the edge of the town to a football field behind the hospital, and by boat to a jetty on the shore near by. They helped to evacuate nine civilian and 14 military patients to the town hall 400 yards away, where an emergency field hospital was set up.

Among the rescuers was Sir Rex Hunt, the civil commissioner, who was roused from his bed at Government House, a short distance away, by the sound of a fire alarm. He described the disaster as a great tragedy among such a small population. During the conflict with Argentina only three civilians died.

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Treasury is expected to reject Gowrie's plea for £40m extra arts aid

By David Hewson, Arts Correspondent

A rift has developed between the Treasury and the Arts Minister, Lord Gowrie, over how much money should be channelled into arts organizations which will suffer when the Greater London Council and the English metropolitan authorities are abolished.

The winner of the hard-fought Whitehall tussle will probably be disclosed today, when Lord Gowrie is expected to announce how much will go to aid-affected arts groups, and how they will receive it.

It is understood that the Chief Secretary to the Treasury, Mr Peter Rees, has rejected Lord Gowrie's claim for £40m a year to be distributed among those theatres, museums, galleries and other arts groups which at present depend upon support from the threatened councils.

Lord Gowrie has successfully stilled much criticism of the abolition plan in the arts world by asserting that no organiza-

tions would be financially worse off through the exercise.

As recently as February, Lord Gowrie told the education, science and arts committee: "Our intention is that the arrangements for public support of the arts in the GLC and MCC areas after reorganization should permit the continuation of existing expenditure plans in this field."

It is understood that the Treasury has offered Lord Gowrie £21m and has said that it will resist any moves to increase the sum. The Department of the Environment is believed to have offered £9m towards the fund, leaving Lord Gowrie £10m short of his initial target.

The Arts Council estimates that the GLC and the metropolitan counties will spend about £28.5m on the arts during

1983-84. The GLC alone spends £16.5m on the arts, and feels that it ought to spend more after the recent Arts Council shift in grants which will move £6m from London to the regions next year.

The highest-spending metropolitan county, Merseyside, has an arts budget of more than £5m; about £3m of which goes to the region's museums, £1.1m to the Walker Art Gallery and £382,000 to the Royal Liverpool Philharmonic Orchestra.

The rift between the Treasury and the Office of Arts and Libraries has been monitored by the Prime Minister's Cabinet committee on the 'council abolition issue, and could bring to an end Lord Gowrie's unexpected honeymoon with the arts world.

He was brought into the job last June to face a hostile environment of arts lobbies still bitter over past cuts in the arts budget and the threat of further ones after abolition.

Tear-jerker wins five Oscars for Hollywood

By Ivor Davis

Terms of Endearment, a tear-jerker rejected by every big Hollywood studio as being too depressing and not commercial, made a virtual clean sweep of the fifty-sixth Academy Awards, winning five Oscars in one of the most predictable award ceremonies in years.

The tragic-comedy, which has taken more than \$100m (£68m) at the box office, deals with the stormy 30-year relationship between a mother, played by Shirley MacLaine, and her headstrong daughter played by Debra Winger. It was best actress for Miss MacLaine who made it fourth time lucky.

But it was the producer-writer-director, James Brooks, stepping from the world of television comedy to direct his first big screen picture who made it a personal triumph. He received Oscars, as best director and best screenwriter, at the presentation ceremony in Hollywood and the film took best picture award.

Jack Nicholson, playing the boozey, womanizing former astronaut who beds the widow, Aurora Greenway, played by Miss MacLaine, won the fifth Oscar for best supporting actor.

Not surprisingly, Robert Duvall, a brilliant journeyman actor, who has been called the Oliver of the United States won best actor award as the reformed alcoholic country-western singer in the low-budget film *Tender Mercies*.

In doing so he put down the powerful British challenge led by Michael Caine for *Educating Rita*, Tom Courtenay for *The Dresser* and Tom Conti for *Reuben, Reuben*.

Julie Walters, who won a British award for her role in *Educating Rita*, found herself an also-ran to Miss MacLaine at the annual prize giving, which was monopolized by Hollywood-made products.

The Right Stuff, the film



Robert Duvall and Shirley MacLaine with Oscars (above), and Jack Nicholson, another Oscar winner (right), after the ceremonies.

about the US astronaut programme of the 1950s, picked up four Oscars and the Ingmar Bergman film *Fanny and Alexander*, which has been labelled the last big picture in the impressive career of the Swedish director, also won four Oscars, mostly in technical fields.

The only surprise was Linda Hunt's best supporting actress award for the Australian director Peter Weir's *Year of Living Dangerously*. Miss Hunt played a man in the film.

The most amusing acceptance speech in the sometimes tedious ceremonies came from the often unpredictable Miss MacLaine, who said: "I have

wondered for 26 years what this would feel like. Thank you for terminating the suspense."

She told a television audience, estimated at 500 million: "I had wanted to work with Jack Nicholson since his chicken salad scene in *Five Easy Pieces* - and to have him in bed with me was such middle-aged joy."

A great deal of the excitement took place out of television camera sight. Outside the Dorothy Chandler Pavilion supporters of Barbra Streisand picketed to protest against the fact that the Academy had virtually overlooked the actress and her musical *Yentl*.



Ban upheld on dentist whose patient died

by Frances Gibb
Legal Affairs Correspondent

A dentist whose patient died under anaesthetic should be barred from practice for "irresponsible and disgraceful" conduct, the judicial committee of the Privy Council ruled yesterday.

An appeal by Mr Kewal Abrol, of Erdington, Birmingham, against a decision of the General Dental Council's disciplinary committee that his name be erased from the dental register was dismissed.

The committee was entitled to consider that Mr Abrol's behaviour had been "irresponsible and disgraceful", Lord Diplock, Lord Keith of Kinkaid and Lord Brightman held.

It was also entitled to discipline Mr Abrol, although his original conviction for manslaughter was quashed by the Court of Appeal, they said.

They added that although he had undertaken not to administer a general anaesthetic again, his attitude "to the whole of this tragic episode appears to be entirely one of self-justification", regarding the patient's case as an emergency which justified the action he took.

Mr Abrol was brought before the committee last November charged with professional misconduct arising from the patient's death in January 1981.

The patient, Mrs Joyce Foundling, died shortly after he had extracted a tooth under general anaesthetic, which he had administered singlehanded and with no one else present.

As a result Mr Abrol was charged and convicted of manslaughter at Stafford Crown Court. He was sentenced to 18 months' imprisonment, suspended for two years, and fined £1,000.

His appeal was originally dismissed by the Court of Appeal but further forensic medical evidence cast doubt as to the cause of death, and the conviction was quashed.

Heart attack killed GCHQ man

A verdict of death by natural causes was recorded yesterday at an inquest into the death of a GCHQ communications officer, Mr George Franks, the inquest, at Hove, East Sussex, was told that he died from a heart attack.

Mr Franks, who was 58, was found dead last Tuesday at his flat in Upper Market Street, Hove, after failing to report for work.

The East Sussex coroner, Mr Edward Grace, said there was evidence that Mr Franks had been feeling a malaise which had led to him writing a letter to his sister in which he enclosed his last will and testament.

It was that letter, and the unusual way in which it had been found by a neighbour, which had given rise to

conjecture that he had left a suicide note.

Police Constable Julie Berry, who was called to Mr Franks's flat, said that she was handed an envelope by a neighbour.

She said that the neighbour, Mr Charles Harvey, told her he had found the envelope in a cubbyhole in the hall outside Mr Franks's flat and on it was written: "Charles, please give them to my sister only", with the word "only" underlined.

PC Berry said that the envelope was later found to contain two separate envelopes. One was written "will and testament" and there was a sheet of writing paper inside.

She said that the second envelope was a used one addressed to Mr Franks at his

place of work. Inside was another envelope containing four sheets of scrap paper with writing on them and a letter addressed to Mr Franks at his place of work. Wrapped round the whole package was a broken pearl-coloured rosary.

After the hearing the coroner refused to enlarge on the contents of the letter to Mr Franks. He said that it was from his employer, purely to do with his work and nothing to do with his death.

Mr Grace said that ordinarily he would not have held an inquest into the death. "The only reason I held the inquest is because of the questions asked in the House of Commons and to ensure there is no suggestion of a cover-up."

DIY jobs popular after moving home

By Derek Harris, Commercial Editor

Do-it-yourself work around the home is the most popular activity next to watching television among those who have recently moved house, a report published yesterday says.

The report on the industry is by Polycell Products, the Reed International subsidiary which is a market leader in a wide range of DIY products.

While television was first choice for 38 per cent in a Polycell survey of those who had moved house recently, 24 per cent plumped for DIY jobs.

The lure of other hobbies was the choice of only 14 per cent, gardening appealed most to 9 per cent, going to a public house

or restaurant accounted for 8 per cent and playing sport 7 per cent.

The survey uncovered disenchantment among those moving house with the work of estate agents and solicitors carrying out conveyancing work.

Of those surveyed, 64 per cent felt that estate agents had not earned their commission. About 69 per cent of the disenchanted homeowners said that next time they intended to sell their homes privately.

The first decorating priority when moving into another property is the living room. It used to be the kitchen.

Footballer's Channel 4 acting debut

The writer Alan Bleasdale, who created *The Boys from the Black Stuff*, returns to the television screen this summer on Channel 4 with a new series in which the soccer player Kenny Dalglish and the rock singer Elvis Costello make their acting debuts.

The two will appear in *Scully*, the story of a street urchin, aged 16, who dreams of playing soccer professionally for Liverpool.

The cricket commentator John Arlott will be in a four-part series on the game with Mike Brearley, and the Olympic decathlete entrant Daley Thompson has his own series on keeping fit.

Drama programmes will include a play by Tom Stoppard about the emergence of Solidarity in Poland.

Private tenants' right-to-buy Bill

Mr Allan Roberts, Labour MP for Bootle, yesterday published a private member's Bill to give private tenants the right to buy under similar terms to those offered to council tenants.

He said: This Bill would give a new deal to private tenants, who are among the most deprived members of society. I hope the Government will support it to give substance to their rhetoric about people's right to choose.

Cot deaths rise

The number of cot deaths rose to 1,332 by the end of 1982, the latest figures available, the Office of Population Censuses and Survey reported yesterday.

Lady Limerick, vice-chairman of the Foundation for the Study of Infant Deaths said there was a need for more paediatric pathologists to study the babies after death.

Wall crash death

A man died from head injuries yesterday after a car crashed through his living room wall. Mr Denis Fawcus, aged 55, of Derwentwater Road, Gateshead, Tyne and Wear, was hit by bricks. A couple in the car also died.

Glass door death

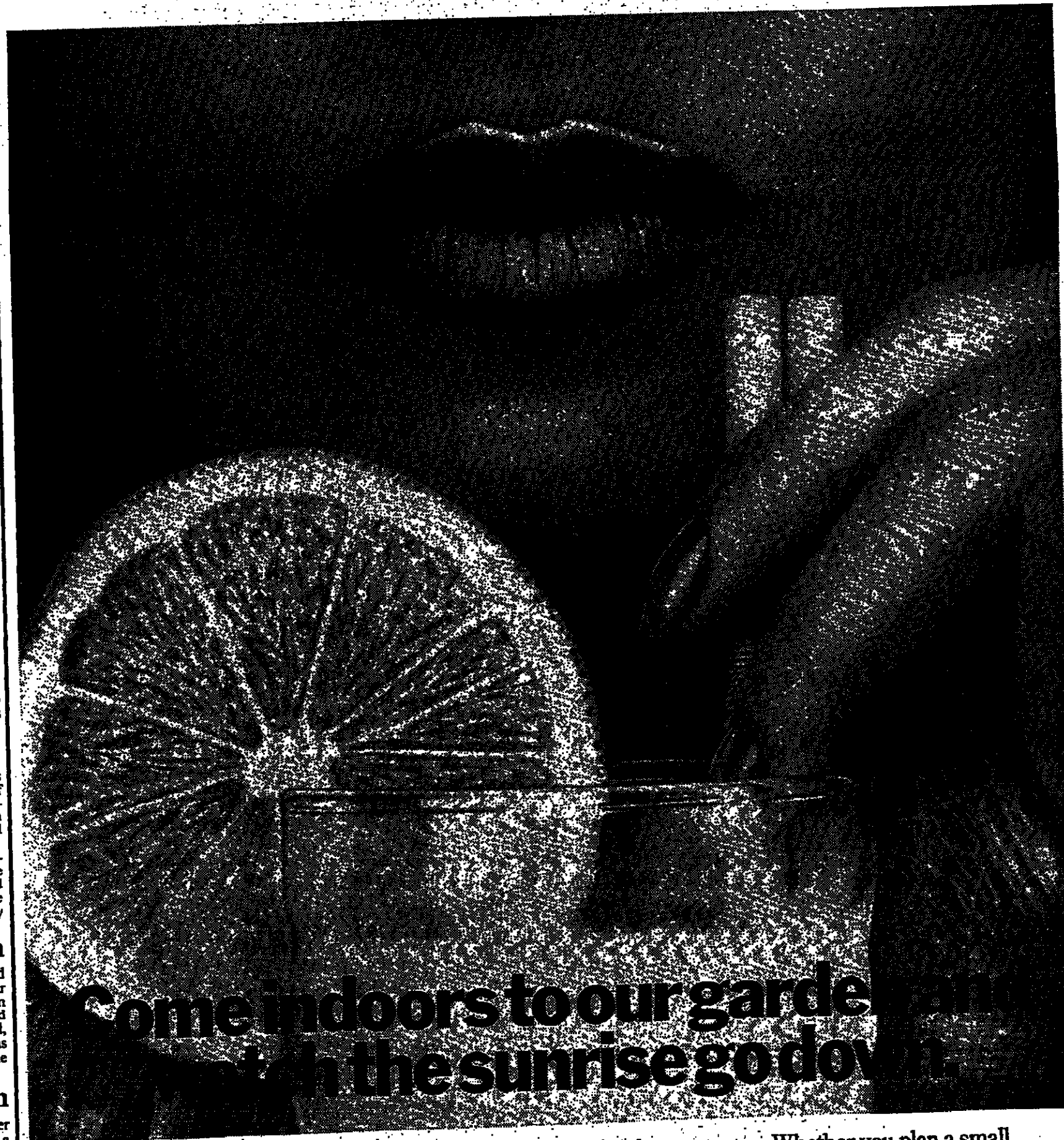
A girl, aged 16 has died after tripping and falling through a glass door. Miss Pamela Campbell, of Elder Grove, South Shields, Tyne and Wear, was going to make a cup of coffee in her boyfriend's home.

Warship wreck

The wreck of the Second War destroyer *Acheron*, 1,350 tons, has been discovered by divers led by Mr Martin Woodward in 150 ft of water five miles south of the Isle of Wight.

Publisher dies

Sir Basil Blackwell, founder of the Oxford publishers and booksellers, Blackwells, who saw the company grow from a humble beginnings into a £100m a year operation, has died at his home near Oxford, aged 94.



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PARLIAMENT April 10 1984

Those wanting to work must be able to do so

COAL DISPUTE

Mr Leon Brittan, the Home Secretary, speaking during the Commons emergency debate on the implications for civil liberties and the rule of law of police operations connected with the current mining dispute, said that the central issue was simple.

It was whether all MPs wanted the law of the land upheld or not. The law, he said, was clear. People who wanted to go to their workplace had the right to do so and the police had a duty to ensure that they got there. Did the Labour Party deny mass picketing was intended to take away that right by force?

Mr Gerald Kaufman, Chief Opposition spokesman on home affairs, said if attempts were made forcibly to prevent people from going to work they had the right to police protection. Peaceful picketing was a civil right and it was important to uphold it. In case after case there was good reason to say that the power of arrest had been used excessively.

The role of the police was to combat the crime wave, not to act as a surrogate for an Employment Act that had become increasingly inoperable.

Mr Allen McKay (Barnsley, West and Penistone, Lab), opening the debate, said it had not been called an attack on the police force but on the heavy methods of a particular section of the police in particular areas.

Not all pickets had made these complaints, some had urged the police for their understanding. The miners were demonstrating in the only way they knew how, about the possible loss of their livelihoods, incomes and jobs.

However, difficult the job the police had to do, the public still expected them to be even-handed and impose the law with sensitivity. Serious allegations had been made, and if true, raised serious issues.

Is the asking of political questions (the went on) relevant or irrelevant to the situation? Is it right that our constituents are handcuffed, photographed and fingerprinted and put in the cells? To say that these are criminals but good honest men.

Is not the stopping of men 100 miles away from their destination on the assumption that they will cause an obstruction, an unacceptable erosion of civil liberties and a dangerous precedent? Who will be next?

Mr Leon Brittan, the Home Secretary, said Mr McKay had referred to a number of complaints about the actions of the police. All such complaints made would be recorded and investigated as required by law.

Up to April 8 the total number of complaints received was 19. This was for an operation which had been going on for weeks and involved at times 7,000 extra policemen.

The police (he went on) have everything to gain and nothing to lose from the proper scrutiny of their activities. They are not in any sense above the law and have no wish to be above the law. The servants of the law have no reason to fear the law.

At Cresswell colliery late yesterday evening there were between 1,000 and 1,200 pickets. Their objective was to block the two main entrances to the colliery, but while this was going on up to 200 other pickets were roaming the village.

Police were investigating complaints that the doors of miners' cars deliberately scratched, nails placed on the public road and bricks and other missiles thrown at miners entering the colliery.

This was not an isolated incident. At other places in the past few weeks private cars owned by miners going to work had had tyres slashed, windscreen smashed and paintwork scratched. Miners' cars on strike had had their windows broken and houses damaged.

At Silverdale colliery, that very morning, a woman was called to form star-shaped objects for throwing on to the roadway into the path of police horses.

No one in the country could have the slightest doubt of the right of the militant miners' leaders. It was to avoid the national ballot at all costs and bring about the closure of the whole colliery by picketing in such numbers and accompanied by such intimidating that most of those who wanted to go to work would not dare to try and those who dared would be physically prevented from getting there.

In the early days of the dispute intimidation seemed to be likely to pay off. Faced with the clear intent of the militants to bring all pits to a standstill by force and the equally clear desire of thousands of miners to go on working, the country had a choice to make. Either to let the Nottinghamshire colliery and many other pits to be closed by force or to take firm action to uphold the rule of law and allow workers who wanted to go to work to do so.

In a democratic society governed by the rule of law there could only be one answer. If one group could physically impose its will against others and prevent them by force from going to work, then the law would have become a dead letter in this land.

The House was entitled to ask the Opposition a question: they had not answered. Did they accept that right to go to work or not? If they did not or were in any way equivocal about it, they were saying that physical power should triumph over the law. To say that was to advocate anarchy and betrayal of democracy.

By preventing carloads of pickets gathering, and only doing that, the police had been able to ensure those who wished to work could continue to do so. Of course it was bound to happen, but that had not been done, the ugly intimidation of yesterday and today would have achieved its unlawful purpose within a few hours.

The police action had been remarkably successful. All those who wanted to go to work had been able to do so. In a statement he made on March 15 only 29 pits were working normally. The plan by the miners' side for them to fall one by one, like dominoes. Now 46 pits were working normally because those working at them wanted to work.

The police (he said) have performed a difficult task in difficult circumstances. They deserve the gratitude and the congratulations of this House and the whole country.

Those who were determined to bring coalfields to a halt by violence were horrified to find the forces of law and order had proved too much for them. As they could not beat the police, they had sought to discredit them by a campaign of degradation.

The use of police officers in plain clothes was to enable them to identify those engaged in and threatened violence. Officers in no sense had been agents provocateurs.

The central issue before the House was simple. It was whether all MPs wanted the law of the land upheld or not. The law, he said, was clear. People who wanted to go to their workplace had the right to do so and the police had a duty to ensure that they got there.

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Brittan: 7,000 extra men

and had no intention of picketing had their freedom of movement violated.

One aspect of the policing operation was that there seemed to be a new and questionable policy of stopping and turning back of travellers at great distances from their destinations.

The Chief Constable of Nottinghamshire had told him on Saturday that the instructions to his men were to permit picketing within the law and that while secondary picketing might be wrong under the civil law, it could not be a violation of the criminal law, provided it was not violent, obstructive or intimidatory.

Mr Brittan twice intervened to ask whether the presence of 2,000 pickets was not, of itself, bound to be intimidatory.

Mr Kaufman repeated that picketing was no violation of criminal law, provided it was not violent, obstructive or intimidatory. He said that was echoing the familiar refrain of others, it was a matter for the courts to decide.

In the picketing code of practice issued with the 1980 Employment Act, it was categorically stated that the police had no responsibility for enforcing civil law. But the civil code had become de facto an adjunct of the criminal law. Police were enforcing the civil law to fill a gap caused by the reluctance of employers to use the law of which they were apprehensive.

The police were faced with an intolerable dilemma leading them to many actions he was sure they wished they did not have to take or had not taken.

Peaceful picketing (he said) is a civil right and it is important for our democracy to uphold that right. Those who deny that right are themselves undermining democracy.

Although secondary picketing was, under the 1980 Employment Act, potentially a civil wrong, provided it was peaceful picketing it was not a criminal act.

Many of the difficulties of the past weeks had arisen from a police interpretation of their duties had clashed with pickets' assertion of their rights, although some of those affected by police action had not been pickets at all.

The power of arrest had been used simply and no doubt in some cases was justified. Some 800 arrests had taken place and there was good reason to say that the power to arrest had been used excessively.

Mr Kaufman said: read out a number of individual examples, some from press cuttings, some from his own files.

There had been allegations, he said, of political questioning by police. Men had been asked how they voted in the last election, how they would vote if there were a Conservative and Communist parties in the country, how much newspaper they read - was it the *Morning Star*? - and so on.

He had the names of 19 men who were subjected to such questioning, which he would readily provide to the House.

There was a special concern because people who were not pickets

men's principal, but not only, advisers in this matter.

The average price for land depends upon the profitability of the land and the number of sheep it will sustain and the price we have paid recently, the fact this is rather good land.

The site is in the middle of a much larger farm and the piece of land we have acquired has divided that farm up substantially. It was that factor we took into account.

Lord Bishopscote (Lab): The figure, including compensation, means the actual price agreed for this land was £30 an acre which compares very favourably with the £1 to £6 agreed for similar land in the area.

Lord Trefgarne: I am not an expert on farming, but it must be difficult to run a farm in two parts with a big airfield in the middle.

Parliament today Commons (2.30): Local Government (Terrorism) Bill, second reading. Lords (2.30): Debates on NHS and on independent schools. Prayer: Book of Common Prayer, second reading.

only for a few months at the end of his sentence. Lawyers will argue that that contravenes the Criminal Justice Act, 1967, which gives prisoners the right to be considered for parole at the end of a third of their sentences.

Another prisoner is Peter Hogen, who had been moved to a prison in preparation for release after serving 14 years for murder during robbery. After the Home Secretary's announcement of the changes he was returned to a closed prison to serve six more years. Lawyers will argue that that was unlawful.

Now he can expect parole

course by the Government which was responsible for the whole sorry mess.

Mr Mark Carlisle (Warrington South, C) said there had been a deliberate and concerted attempt by a group who had chosen not to work to prevent others from doing so. Men should be free to choose not to strike themselves into what they saw as the idle queue and to protest what they believed to be future of their industry and their jobs.

It was the duty of the police to see that they enjoyed that freedom. The alternative was stark. It was anarchy and the negation of democracy as people knew it.

De David Owen, leader of the Social Democratic Party, said Mr Kaufman's speech had emphasized what many had begun to suspect over the last few years, that the Labour Party had now become entrenched in a position of hostility to the police.

If anyone was to be in the dock during this debate it should be, first, the President of the National Union of Mineworkers, Mr Scargill, and then Mr McGahey. And if there was any accomplice to the situation, it was the total silence of the Leader of the Opposition and those who spoke on this issue in the House for the Labour Party.

It would be strange if, with that number of policemen coming from different parts of the country, some mistakes had not been made. There was not much doubt that some policemen had questioned about political affiliations, questions that should not have been asked.

But despite intense provocation day after day no other police force in the world could have shown such restraint.

The most serious problem raised by the strike was - were they moving towards a new type of police force? Many MPs would probably object to any move towards a national police force.

He hoped it would go out rationally clear that the House of Commons was not prepared to let the police the scapegoat for this crisis.

Mr Tony Benn (Cheshire, Lab) said it was hypocrisy to say that the Government was defending the right to work when 20,000 miners had been denied the right to work by Government edict through Mr MacGregor.

The motion for the adjournment was rejected by 321 votes to 164 - government majority, 157.

Late divisions The Rates Bill was read a second time in the House of Lords late on Monday night after a reasoned amendment moved by the Opposition had been rejected by 235 votes to 133. The Bill introduces rate capping which gives the Government greater control over spending by local authorities and the level of rates they can levy.

In the Commons, the London Regional Transport Bill, which sets up a new body to run transport in the capital after the abolition of the Greater London Council, was read the third time by 254 votes to 168.

Mr Michael Forsyth (Stirling, C) was given leave in the Commons to bring in the Bank Notes (Scotland) Bill to increase the number of Scottish banks able to issue bank notes.

He said reforms to the banking system in 1844 and 1845 stopped any new banks from issuing bank notes. At that time the savings banks were small and localized.

The Scottish TSB was able and willing to compete with the three other Scottish banks on almost equal terms. But it did not have the right to issue its own notes and thus did not have the financial advantages involved.

His Bill would give it that right and make the right available to any other Scottish bank which might become of such a size to merit it. The measure would encourage competition.

The Bill was read a first time.

Go-getting a problem in jobless society

TV BROADCAST

Mr Neil Kinnock, the Leader of the Opposition, tonight the Prime Minister for supporting a "go-getting" society during her *Paravox* interview on Monday and asked during questions in the Commons where Britain's one and a half million young unemployed should go, and what they could get.

Mr Thatcher replied: He should have listened more carefully and he might have learned a little more. (Conservative cheers) No Government can succeed without men and women of enterprise.

Mr Kinnock, Governments cannot provide men and women of initiative; they can prevent men and women of initiative.

Since 23 per cent of 18 to 24 year-olds are without jobs in this country, what is the Government doing to enable them to use their initiative, vitality, intelligence and talent. What is the going to put in place of smug sermons that have taken the place of economic policy entirely?

Mr Thatcher: If he puts the two parts of his question together he will see this Government has encouraged the men of enterprise by reducing many of the controls, by providing much better direct taxation, and much less indirect taxation. If we have the Labour tax regime we should be paying £3,500 more in income tax than we pay.

Mr Kinnock: We have provided the best training scheme ever for young people (Labour objections) We have enterprise and training schemes which are producing results which he fails to recognise.

Mr David Nellist (Coventry, South East, Lab) jumped to his feet and angrily shouted at the Prime Minister. The words were inaudible amid the noise. The Speaker (Mr Bernard Weatherill): If Mr Nellist does that again, he will have to leave. (Loud Conservative cheers)

Mr Timothy Yeo (Suffolk, South, C): If civil servants are to be free to do anything, it is possible that they will be free to do anything. (Loud Conservative cheers)

Mr Thatcher: I agree. No Minister could carry on except with the total trust of the civil service. I believe we have that total trust except in very rare individual cases.

Mr Geoffrey Lofthouse (Pontefract and Castleford, Lab) earlier asked Mr Thatcher to stop going to the miners over 50 will lose their jobs. Has the Government any plans at all to encourage alternative industry for this mining areas or is it her intention those young miners will never work again?

Mr Thatcher: Where those mines are in special development areas where there is special development assistance, that assistance will apply. Where other grants are available to start small businesses or enterprise those allowances will apply.

Where miners over 55 have to retire, the terms for them are more generous than any other previous government has ever given them.

Mr Michael Latham (Rutland and Melton, C) was stopped by the Speaker when he attempted to ask about the Opposition's attitude to the miners' strike.

Mr Latham said: Will the Prime Minister prescribe an early cure for the political laryngitis which continues to prevent the Opposition from being heard from the benches of the House of Commons?

The Speaker (Mr Bernard Weatherill): We have dealt with that matter last week. The Prime Minister cannot answer for the Opposition.

Sympathy over fire in Falklands PM's QUESTIONS Mrs Thatcher, the Prime Minister, told the Commons she had sent a note expressing deep sympathy about the tragic loss of life sustained in the fire at Port Stanley Hospital in the Falklands Islands early today (Tuesday).

Mr Robert Key (Salisbury, C) asked: Will she recall she visited that hospital herself and saw the conditions there, and that more than a year ago a report was made condemning the fire safety in that hospital, and that British troops

were moved out of there some weeks ago because of the fire hazard?

Will she do all she can to encourage the Falklands Islands Government to replace it as soon as possible in the interests of the civilian population, especially the old people?

Mr Thatcher: Yes, a new hospital is planned. I am afraid that, of necessity, it will take some time to build. We will do all we can to speed up the building and, in the meantime, to provide alternative facilities.

Lord Trefgarne, Under Secretary of State for the Armed Forces, told the House of Lords: A major fire broke out this morning in the military hospital at Port Stanley. Two-thirds of the building, including the military hospital, has been destroyed. Six civilians have been confirmed dead and one civilian is missing.

All three services provided assistance in fighting the fire. The

Eloquent testimony to British tolerance

GREENHAM

It would not be a cost-effective use of defence resources to build a Berlin type wall around the outer perimeter of the Greenham Common base, Mr John Stanley, Minister of State for the Armed Forces, said during Commons questions. He described the civil authorities' treatment of the Greenham women as eloquent testimony of the contrast between Britain and the USSR.

Mr Ronald Brown (Edinburgh, Leith, Lab), who asked about the current situation at Greenham Common, was told by Mr Stanley: The training of the personnel stationed at the base, their various operational roles continues, both on and off base.

Mr Brown: These women have not been defeated but should be congratulated. What local authorities, if any, have agreed to these charges of death being trundled about the country? Does not local democracy mean anything to the Government? This Government is not interested in democracy?

Mr Stanley: The off base training continues and will continue so long as the cruise missiles are there.

Mr Robert Clay (Sunderland North, Lab): Given that the Government is taking a little while to close down protest at Greenham Common has evidently failed and that the United States will ever be able to fully to deploy these missiles outside the base without the Government improving the entire peace movement in Britain?

Mr Stanley: Off base training has started well and will continue equally well.

Mr Albert McQuarrie (Banff and Buchan, C): Can he ensure that the security forces are made stronger to prevent these women from jumping them? (Labour laughter)

Mr Stanley: I will not comment on the activities of the ladies concerned. (Renewed laughter) The degree of security of the various fences increases as they get closer to the actual site. It would not be a very cost-effective use of defence resources to create a massively expensive Berlin type wall around the outer perimeter.

Mr John Stokes (Halesowen and Stourbridge, C): Most reasonable people in this country are delighted that the women have been removed. (Conservative cheers) Does not the whole episode show what a wonderfully tolerant country we are? (Further Conservative cheers)

Mr Stanley: I agree. The whole course of the treatment of the Greenham women by the civil authorities is the most eloquent

testimony of the contrast between this country and the Soviet Union.

Mr Denis Skinner (Bolsover, Lab): Is not the truth of the matter that the Americans are the real decision-makers in Britain? Is it not a sad state of affairs that in relation to security at Greenham Common, the Government is allowing the Americans in the Pentagon to decide where Britain's by-passes and road widening schemes are built to get rid of these women?

Mr Stanley: The British Government retains complete control over where all highway works in this country are executed.

Mr Stanley, Minister of State for the Armed Forces, in other exchanges said that Nato deployment of cruise missiles was being discussed over a five-year period.

The programme for deployment of 96 ground-launched cruise missiles at Greenham Common would be completed well within that period, but he was not able to discuss specific details of further deliveries.

Mr Michael Latham (Rutland and Melton, C): It is regrettable that the Soviets are not prepared to return to the negotiating table to prevent further deployment of these terrible weapons or the SS20s. Can he say that if they showed any good will agreement could be reached?

Mr Stanley: I give that assurance. The zero option remains on the table, as does the further option which President Reagan gave of an agreement on equal numbers at a level below present levels of deployment.

It is a matter of great regret that not only have the Soviet Union moved out of the INF negotiations but there has been deployment of forces facing West as well as those facing East.

Mr Martin Flannery (Sheffield, Hillsborough, Lab): Deployment of those dreadful missiles is meeting with such a response among the British people that they have to be moved at night and only a few of them are here, about 170 of them are due to come.

Russian ignored Bettaney 'letter boxes', jury told

The following is the opening statement of Sir Michael Havers, QC, the Attorney General, for the prosecution, in the Michael Bettaney secrets trial which opened at the Central Criminal Court in London yesterday.

course of the interviews, in general terms, amounted to this: By the summer of 1982, or so he claimed, the defendant had come to the conclusion that he must do all in his power to assist the Soviet Union, which in his case meant spying for them whilst an officer of the British Security Service. Thus it would seem that his motive was ideological and in no sense financial.

His plan was to offer himself to the Russians as an agent within the British Security Service, once he had taken up his post in the counter-espionage branch.

He joined that branch on December 21, 1982, and very soon thereafter began collecting classified information during the course of his work, with a view to communicating it to the Russians, once he had successfully made contact with an officer of their intelligence service.

After some research he chose a Soviet official attached to the Soviet Embassy in London whom he believed to be a senior officer of the KGB.

On April 3, 1983 he made his first contact with this Soviet official by personally delivering a letter to his residence. He did this at midnight and was alone. The letter contained:

Secret information which inter alia gave background details on the expulsion of three Soviet officials in March 1983. Those officials were called Primakov, Titov and Ivanov. The passing of this information was aimed at proving his bona fides, authenticity, and the fact that he had access to classified information.

Details of a proposed dead letter box through which a more permanent and safe means of communication could be made. He also set out in the letter a detailed system of communication - but more of that later.

The Russians did not respond to this first letter in any way, so the defendant tried again.

On June 12, 1983 he delivered a second letter to the same Soviet official again at midnight and to his residence. This letter also contained classified information, namely a top secret document outlining the Security Service's assessment of the Russian intelligence service order of battle in London. It also contained proposals for a dead letter box (a different one to that specified in the first letter) and it again set out a detailed communication system. Once again the Russians made no response, so the defendant tried a third and final time.

Soviet official setting out precise arrangements for the communication of classified information by the use of dead letter boxes preparatory to the communication of information to another person for purposes prejudicial to the safety or interests of the state, which said information was calculated to be, or might be, or was intended to be, directly or indirectly useful to an enemy, contrary to section 7 of the Official Secrets Act, 1920.

3. On June 12, 1983 [as charge 1].

4. On June 12, 1983 [as charge 2].

5. On July 10, 1983, in the United Kingdom, he delivered a letter to a Soviet official offering his services in supplying classified information preparatory to the communication of information to another person for purposes prejudicial to the safety or interests of the state, which said information was calculated to be, or might be, or was intended to be, directly or indirectly useful to an enemy, contrary to section 7 of the Official Secrets Act, 1920.

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On July 10, 1983 he delivered his third letter to the same Russian at his residence. This letter did not contain any classified information, but it did specify a means by which the Russian could respond, if he accepted the defendant's offer to receive classified information. The fact is that they did not respond at all to this letter. The defendant resolved to contact them elsewhere by whatever means appeared appropriate.

Meanwhile, he continued to gather classified information whilst at work, with a view to passing it to the Russians, once he had successfully contacted them and set up a communication system. The collecting of information took the following forms.

Marking various material with a view to photocopying it later and passing the information in films;

Memorizing classified information and making manuscript notes of it, with a view to typing

information through a dead letter box - being a different system to that detailed in the first letter.

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There was no response by the Russians.

The defendant's third attempt to set up a communication system with the Russians took place on July 10, 1983. Once again the defendant delivered a letter in the evening to Gouk's residence, in "a final attempt to offer my services".

He said he was hesitant because he suspected he was under surveillance and as he put it "was noticeably more nervous".

He described in the interview how he walked past the flat at least twice without delivering however he did deliver the letter. This letter did not contain any classified information. In the letter he called for some positive indication as

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The fact is that the defendant telephoned at the proposed time, and there was no answer. He interpreted this as an indication that Gouk had received the letter and decided or been instructed not to answer the telephone, as a means of making clear the refusal of the offer.

After this rejection the defendant said that he was disappointed and frustrated. Nevertheless, he continued to collect information after July 10 and secret it at home, with the intention of passing it on to the Russians when he had found "some alternative means of establishing contact with the Russians".

I now turn to the material which he had accumulated at his home and which he

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Before dealing more precisely with individual items found at his house, it is right to say that the defendant in his first interview told the Special Branch officers that such material was at his home, the nature of that material and where the items were hidden. When the police went with him to 5 Victoria Road, Coudsdon, Bettaney pointed out the principal hiding places which were as follows:

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Laundry cupboard: Film cassettes were found. Inside were negatives which when developed revealed classified information. Lists that were marked by underlining various names;

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To relate precisely what was found and the detailed nature of his communications to the Russians it is necessary to go into camera.

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The proposed signals for indicating that the dead letter

Chernenko vows to continue reforms started by Andropov

From Richard Owen, Moscow

Mr Konstantin Chernenko, the Soviet party leader, yesterday addressed his first full central committee plenum amid signs of a Chernenko personality cult, but did not bolster his position by making Politburo changes.

In a speech to the plenum Mr Chernenko promised not to relax his efforts in "improving the system of economic management and looking for new forms and structures". A reference to the Andropov era reforms strongly supported by Andropov protégés in the Politburo, including Mr Mikhail Gorbachev, aged 53, and Mr Vitaly Vorotnikov, aged 57, Mr Chernenko also gave support to the purge of incompetent officials carried out last autumn by Mr Gorbachev on behalf of Mr Andropov, and to Mr Andropov's attempts to streamline the administrative apparatus.

Mr Chernenko, aged 72, has apparently been obliged to promise continuation of the Andropov reforms even though when Mr Andropov was alive he voiced the grievances of ousted officials who had enjoyed sinecures under Mr Brezhnev. On the other hand Mr Gorbachev apparently did not gain the vacant ideology portfolio in the Secretariat at yesterday's plenum, a step which would have consolidated his unofficial position as the Kremlin number two.

The plenum took place on the eve of today's session of the Supreme Soviet, at which Mr Chernenko is expected to be elected head of state. It discussed a new law on educational reform and a resolution calling for local soviets (local councils) to be given more authority in tackling social and economic problems.

Mr Chernenko hinted at possible government changes when he said today's Supreme Soviet would approve the composition of the Council of Ministers. Adding that officials had to show "personal creative initiative". A steady influx of fresh forces. But added that in some cases the structure should be improved rather than shaken up.

Mr Chernenko said little about foreign affairs except that Soviet defence capabilities must be strengthened. In an interview in *Pravda* on Monday, on the eve of the plenum, Mr Chernenko accused America of intransigence and said Russia would not make concessions on arms control.

For many Russians the

plenum took second place to an article in *Red Star*, the armed forces paper, extolling Mr Chernenko's role in the border guards in the 1930s. Under a 1930s group portrait with a youthful Mr Chernenko in the back row the article said the Soviet leader had been a fine horseman and a crack shot when courageously fighting anti-communist bandits in Central Asia. "He could fire accurately from a rifle or machine pistol and his hand grenades never failed to hit their target", *Red Star* said, offering an image which contrasts strikingly with Mr Chernenko's present shuffling gait and faltering delivery.

The article also contrasted with the leadership style of the late Yuri Andropov, who kept his family and personal life firmly in the background. Few details were released of Mr Andropov's own wartime service with Soviet partisans against Finland in Karelia.

● The Pentagon yesterday presented a disturbing account of Soviet military growth and said that a main Kremlin objective was to expand war capability in space and to achieve a measure of superiority in that arena. Mohsin Ali writes from Washington.

Mr Caspar Weinberger, the Defence Secretary, issued a 136-page glossy booklet on Soviet Military Power 1984, and disclosed that the Russians could test a prototype laser anti-satellite weapon as soon as the late 1980s and put it into operation between the early and mid-1990s.

The booklet, the third since September 1981, said that the Soviet Union could also test a prototype space-based beam weapon intended only to disrupt satellite electronic equipment in the early 1990s. "One designed to destroy the satellites could be tested in space in the mid-1990s."

The US has only recently started developing an anti-satellite weapon fired from the F15 fighter that is to become operational by 1987.

Much of the material gathered from various intelligence sources was declassified and released for this annual report, which contains numerous photographs of Soviet weapons, sketches, diagrams and charts comparing Soviet and NATO military conventional and nuclear strengths.

Mr Weinberger, in the preface, stated that the Soviet Union had greatly increased its offensive military capability

Chad victim's brother tries to run down French Defence Minister



The French Minister of Defence, M Charles Hernu (centre) pictured seconds after the brother of one of nine French soldiers killed in Chad at the weekend drove his car at him during the funeral in Toulouse yesterday.

M Hernu and high-ranking officers including General Jeannon Lacaze, the French Army chief-of-staff,

narrowly escaped injury when a yellow car driven by M Lionel Rehal, aged 25, struck and overturned one of the flag-draped coffins. Witnesses said he had shouted abuse at the minister before jumping into the vehicle.

The car eventually rolled to a halt when one of M Hernu's bodyguards shot and wounded M

Rehal in the thigh. Grieving families wept and screamed.

M Hernu, who was attending the funeral to award posthumous medals to the soldiers killed in an explosion that has not been clearly explained, later visited M Rehal in hospital and was kept informed throughout the day of his condition. The service continued after the

incident in what French television described as "an atmosphere of stupor".

The Defence Ministry has given three versions of the explosion in Chad, where about 3,000 French troops have been stationed since August to support the Government of President Hissène Habré against Libyan backed rebels.

Peres plans policy changes in new deal for Arabs

From Christopher Walker, Jerusalem

Within days of the Israeli election campaign opening, leaders of the main opposition Labour Party, the front-runner in the opinion polls, has outlined sweeping changes in policy towards various aspects of the Arab question which it says will be introduced if the party regains the power it lost in 1977.

A survey of statements made over the past week shows that these include an early withdrawal from Lebanon; the introduction of a prototype Palestinian autonomy in the occupied Gaza Strip before the more problematical West Bank; the first municipal elections for West Bank Palestinians since 1976; and a halt to all Jewish settlements in areas of concentrated Arab population such as Hebron and Nablus.

In addition, Mr Shimon Peres, the politician unanimously re-elected as Labour's candidate for Prime Minister last week, has spoken of "solutions no one has yet

considered" for reaching a peace agreement with neighbouring Jordan. In recent days, he has twice pledged publicly to negotiate with King Husain outside the confines of the Camp David agreement, the rigorous condition always laid down by the ruling right-wing Likud coalition.

A number of the suggestions spelt out by Labour are thought to be favourable to the new centre party being formed by Mr Ezer Weizman, the dashing former Defence Minister who resigned from the Likud in protest over the inflexibility of its West Bank policy. In the event of a close finish, there is a possibility that his supporters could hold the balance of power.

Labour's offer to revive the scheme known as Gaza First, the idea for introducing autonomy for Gaza Arabs ahead of those in the West Bank and as a possible model for them was made by Mr Peres in a speech in

which he promised to make it government policy if it won approval from Egypt. The scheme was previously canvassed by the late President Sadat before his assassination in 1981.

The narrow Gaza Strip was governed but not annexed by Egypt from 1948 to 1967 and life there still has a noticeably Egyptian character. Among the reasons that it is considered possible the autonomy could be introduced more easily there is its geographical location and the fact that it is free from the complications posed by East Jerusalem and the other holy sites in the West Bank.

It is understood that Labour's sudden revival of the Gaza First plan has been privately welcomed by a number of Palestinian notables living in the desert strip, although for political and personal security reasons, it is unlikely that any would be willing to make such opinions public at this stage.

Congress threatens to cut Contra's aid

From Nicholas Ashford, Washington

The ability of the Reagan Administration to continue providing covert aid to anti-government rebels in Nicaragua appeared to be in doubt yesterday as controversy raged on Capitol Hill about the growing US military role in Central America.

Democrats roundly condemned the Administration's decision to renounce the jurisdiction of the World Court on any cases arising from US actions in Central America for the next two years.

They said this move, together with mounting evidence of direct US involvement in the mining of Nicaragua's three main harbours, would ensure that the Democrat-controlled House of Representatives would block on Administration request for \$21m (£14.5m) in new aid to the CIA-backed Nicaraguan rebels.

Administration officials conceded that the CIA would soon have to begin reducing its support for the anti-Sandinista guerrillas, known as "Contras", if the request for new funds is not approved. However, according to a

report in the *Washington Post*, the CIA is planning a big expansion of its covert operations in Nicaragua if President Reagan wins reelection in November. The report, quoting unnamed senior American officials, said the President was "determined to go all out to gain the upper hand" over left-wing forces in the region.

The laying of mines in and around Nicaragua's ports, which has caused considerable damage to international shipping, was only part of a "holding action" until the secret war could be stepped up, the report claimed.

● ROME: Señor Alfonso Robelo, the political leader of an anti-Sandinista movement said here yesterday that his group, and not the US, has mined a Nicaraguan port (AP reports). "It wasn't an American action. Our organization mined the port of Corinto," Señor Robelo, the head of Democratic Revolutionary Alliance, told a news conference. He said his group also mined the Port of El Bluff.

Zimbabwe lifts curfew in Matabeleland

From Stephen Taylor, Harare

Facing considerable international pressure over army conduct in Matabeleland, Zimbabwe has announced a relaxation of the harsh curfew conditions in the troubled province.

The move is expected to speed the flow of food to the area, where the civilian population of about 420,000 contained within a military cordon has been forcibly starved since the curfew was imposed on February 3. It will also enable the resumption of free movement to and from Matabeleland South.

The lifting of restrictions was announced by Mr Emmerson Munangagwa, Minister of State for Security, who said the level of anti-government guerrilla activity in the area had been checked.

According to diplomatic sources, the move follows the insistence by Washington that drought relief aid destined for Zimbabwe be distributed to all sectors of the population.

Washington was concerned that food would not be allowed to reach Matabeleland, home of the minority Ndebele tribe deemed by the Government to be supporting insurgents. A US aid agreement for 30,000 tonnes of maize was signed here a few hours before the curfew announcement and only after agreement by Zimbabwe to allow US personnel to monitor distribution.

Although the US aid will help to bridge a food gap, the main

consequence of the lifting of restrictions is that urban dwellers should again be able to send food to relatives and friends in the drought-ravaged rural areas.

Since the curfew was imposed the Army had prevented food reaching rural stores and turned back vehicles trying to enter the curfew with food supplies.

Many people have either died of starvation or are dangerously malnourished, although voluntary agencies have been unable until now to enter the curfew area to establish how many. Soldiers, mainly of the notorious Fifth Brigade or the Presidential Guard both of which units were trained by North Korean instructors, have, according to reports from the region, summarily killed dozens of civilians.

Mr Joshua Nkomo, leader of the opposition Zapu party whose political support is centred in Matabeleland, said the new conditions could provide great relief if applied "honestly and to the letter".

Although Mr Munangagwa said that stores would be allowed to "restock normally" and that buses and traffic could enter the area again, individuals will still be confined to the immediate vicinity of their homes between dusk and dawn or face being shot on sight.

There was no reference in his statement to the hundreds of civilians reported by human rights sources to be incarcerated at three camps in Matabeleland South.

ANC men escape from jail in Swaziland

Johannesburg — Fourteen members of the African National Congress, the main black nationalist guerrilla movement in South Africa, have escaped from police custody in north-eastern Swaziland.

The break-out occurred on Sunday, while two police officers were trying to put other prisoners in a cell already occupied by the ANC men, according to reports. They forced their way past duty officers at the police station at Simunye.

Although Swaziland's Commissioner of Police, Mr Titus Msibi, has so far declined to comment, it is reported that police and army patrols are hunting for the fugitives, and have set up roadblocks on main roads leading to Mozambique and South Africa.

British reply on Falklands

Buenos Aires — Britain's reply to the latest Argentine proposals for resolving the Falklands conflict suggest the resumption of diplomatic and commercial relations, but avoids any discussion of sovereignty, according to Senator Adolfo Gas, chairman of Argentina's senate foreign relations committee (Douglas Tweeddale writes).

The senator admitted that he had not seen the text of the British letter, which was delivered on Friday, but said he had been present when President Alfonsín was briefed about its contents.

Punjab death

Delhi (AP) — A retired Army officer was shot dead and an unexploded grenade was found outside a Hindu shrine near Amritsar in Punjab state yesterday.

Maputo claim

Lisbon (AP) — Mozambique troops have killed "hundreds" of anti-Government guerrillas since President Machel and Mr P. W. Botha, the South African Prime Minister, signed a non-aggression treaty last month, according to the Mozambique news agency.

Eye operation

President Habib Bourguiba of Tunisia, aged 80, who is to have an operation in Lyons tomorrow to remove cataracts from both eyes. He has only 10 per cent vision.

Report rejected

Moscow (AFP) — The Soviet Union has formally rejected an International Civil Aviation Organization report on the shooting-down of a South Korean airliner over Soviet territory last September, saying it was "lacking in evidence" and "without basis" and had no legal authority.

Suicide raid

Lahur (AFP) — Two armed men committed suicide after an unsuccessful bank robbery here. They shot themselves when they found they could not escape.

Soldiers killed

Metz (AP) — Six French soldiers were killed when two helicopters collided during a night exercise in central France, near Cosne-sur-Loire.

Rebel losses

Guatemala City (AP) — Eight left-wing guerrillas were killed in two clashes with troops in western Guatemala, the armed forces said.

Correction

Dr Oonagh McDonald, Labour MP for Thurrock, said in Luxembourg that the Labour Party's view is that the European Monetary System has had a deflationary effect, not inflationary as was reported on April 4.

Britain rejects request to return Elgin Marbles

By Henry Stanhope, Diplomatic Correspondent

Britain has rejected an official Greek request to return the Elgin Marbles to Athens. But Mr Andreas Papandreu's government made clear last night that the matter was far from closed.

The British reply, six months after the request was made, was delivered yesterday by Mr Ray Whitney, Under-Secretary of State at the Foreign Office. To Mr Nikos Kyriazides, the Greek Ambassador in London, it came after "very careful consideration", but was not unexpected.

The marbles, part of the frieze around the Parthenon, were "secured" by Lord Elgin in the early nineteenth century "as the result of a transaction conducted with the recognized legitimate authority at the time," Mr Whitney said later in a Commons written reply.

Legislation would be needed

before the trustees of the British Museum could be part with them. The trustees had made clear the importance they attached to preserving the marbles for the benefit of international scholarship and the enjoyment of the general public.

A statement by the embassy said: "The Greek Government cannot accept the negative reply. It will not let the matter rest, but will pursue its just claim by all appropriate means and in all appropriate forums."

The marbles had been forcibly removed from the Parthenon "on the most dubious authority granted by an occupying power which was dislodged from Athens only two decades later". The occupying power was Turkey.

Athens was studying the British text before making detailed comment.

Bethlehem facing bankruptcy

By Edward Mortimer

Bethlehem is on the verge of bankruptcy and the council will have to "stop functioning" if it does not get help soon, according to Mr Elias Freij, the Mayor.

Mr Freij, a Christian who is well known as a spokesman of moderate Arab opinion in the Israeli-occupied West Bank, is in Britain for a week as the guest of the Foreign and Commonwealth Office. He is to see Sir Geoffrey Howe, the Foreign Secretary, tomorrow.

In an interview with *The Times*, Mr Freij said there was now a consensus in the West Bank that time was running out. "With every day passing Israel is tightening its grip on the West Bank and Gaza with the ultimate aim of annexation."

There was no military option. "The only way is to find a political option through political talks based on Resolution 242 and the Reagan Plan." (These provide for Israeli withdrawal from occupied territory; the right of all states in the



Mr Freij: No fear of being arrested.

area to live in peace within secure and recognized boundaries; and Palestinian self-government "in association with Jordan" in the West Bank and Gaza Strip.)

"With the rate of inflation in Israel the second highest in the world," Mr Freij said, "the economic situation in Bethlehem is becoming extremely difficult."

"Unemployment is increasing. The municipality has been forced to suspend all development projects for lack of funds. The municipality needed \$3m (£2.1m) to be bailed out of its present distress."

He had appealed, he said, to the Saudis and Americans (he saw Mr George Shultz, the Secretary of State, in Washington last week), "and now we appeal to our European friends to extend a helping hand". The EEC delegate in Jordan, he added, was "well aware of the situation".

Mr Freij goes to Paris on Saturday and will meet M Claude Cheysson, the French Foreign Minister, on Monday. He intends to return to Bethlehem via Amman later next week.

He is confident he will not be arrested although the Israeli authorities have described his meeting last month in Amman with Mr Yasser Arafat, the Palestine Liberation Organization leader, as "a criminal act".

FBI breaks 'pizza connexion' heroin ring

From Trevor Fishlock, New York

The Federal Bureau of Investigation has inflicted a heavy blow in its war against the organized crime families of the Cosa Nostra. Thirty-one men have been charged in Europe and the United States with being part of a drug smuggling ring which in the past five years has imported \$1.1bn worth of heroin into America.

The smugglers used pizza restaurants in New York and

the mid-West as covers for their operation, leading the FBI to call the case "The Pizza Connection".

The FBI is determined to keep the promise it made last September to devastate the notorious five families of the Cosa Nostra: Colombo, Bonanno, Gambino, Lucchese and Genovese, which all take their names from former leaders.

Recently Mr Paul Castellano, aged 68, of Staten Island, New York, "Godfather" of the Gambino family, was among a

number of new arrests on charges of racketeering and other alleged crimes, including 25 murders.

According to the FBI, Mr Salvatore Catalano, second in command of the Bonanno family, played a key role in the heroin smuggling ring. Mr Catalano, aged 43, of Queens, New York, has been charged with being part of the alleged conspiracy to import the drug.

The heroin came from Pakistan and Afghanistan. The main supplier, says the FBI,

was Signor Gaetano Badalamenti, aged 50, a Sicilian Mafia leader. He allegedly moved the drug to Sicily, Spain and South America for shipment to the US and the pizza parlour distribution outlets. He was arrested in Madrid.

Other arrests have been made in New York, Chicago, Detroit, New Jersey, Italy and Switzerland.

In its war on organized crime, the FBI has been using 165 agents to infiltrate and investigate the Cosa Nostra.

Beirut truce broken by heavy fighting

From Our Correspondent, Beirut

Heavy fighting broke out in Beirut yesterday less than 14 hours after representatives of the warring factions signed a new truce agreement.

Christian and Muslim militiamen exchanged artillery fire and rocket-propelled grenades across the "Green Line", that divides the capital. The fighting was concentrated in the southern suburbs.

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Punjab death

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Eye operation

Report rejected

Suicide raid

Soldiers kill

Rebel losses

End of an era for a feudal baron on his tropical island

From Ian Davis in Canberra

The ending of the bizarre 150-year rule of the Clunies Ross family over the tiny Indian Ocean atoll of the Cocos Islands last Friday has come as something of a shock to Mr John Clunies Ross.

The islanders, descendants of Malay, Polynesian, Indian, African and Chinese indentured labourers brought to the islands by the Clunies Ross family under forced labour contracts last century, voted by 261 to 32 to merge with Australia and Mr Clunies Ross, aged 58, who ran the islands like a feudal baron seems to have been the only person not to have anticipated the result.

Mr Clunies Ross does not believe the dynastic rule of the islands ended last week. He believes it ended in 1978 when the Australian Government forcibly acquired most of his land, virtually all of the Atoll's 27 islands.

But in 1978 Mr Clunies Ross received a handsome \$A6.25m (£3.9m) in compensation and continued to exercise his ruler's prerogatives on the islands. Wearing the Malay symbol of power, the ceremonial kris dagger, on his hip as he strolled barefoot around the islanders' Kampong village and seeking to dominate the affairs of the islands.

For Friday's rebuff by the villagers there is no compensation. He was genuinely

shocked by how few villagers he was able to influence. Now he is fighting in the Australian High Court to retain the last five acres he owns on the island and on which stands the magnificent Oceania House which his great-grandfather George built last century and in which the family lives.

More importantly he is fighting in court the stated aim of both the Australian Government and the islanders' council to remove him from the islands because of what the leader of the UN mission which visited the horseshoe of islands 173 miles north-east of Perth and 940 miles south of Indonesia for the vote last week described as his "subversive influence on peace and good order".

The Clunies Ross family have dominated the island since 1827, when Captain John Clunies Ross established a trading and plantation settlement there with his partner Alexander Hare, the former British Governor of Batavia (now Jakarta).

The Clunies Ross family ran the islands through five generations with practically no restrictions and, as Mr John Clunies Ross pointed out last week, with no outside assistance from any government.

Until recent years those services which existed - housing, roads, health care, provisions, the shop that sold them

and the ship that brought them - were all owned by the family.

Their coconut estates, covering most of the larger islands in the group have fallen into disrepair and the plantation which only a decade ago made Mr Clunies Ross an extremely wealthy and powerful man are overgrown with cabbage.

Mr Clunies Ross dates the beginning of the end of the House of Clunies Ross from a visit to the island by an Australian official in 1972.

Queen Victoria granted the land to the Clunies Ross family "forever" in 1886. The islands had been claimed by the British Crown, "accidentally" according to Mr Clunies Ross, in mistake for other Cocos Islands further north in the Bay of Bengal.

The British shuffled administrative responsibility for them backwards and forwards between Ceylon (Sri Lanka) and Singapore and back to Ceylon before transferring it to Australia in 1955.

Although there was some form of nominal administrator on the island from 1944 (when it was used as an allied base) there was no real effort to moderate the control exercised by the Clunies Ross family.

But in 1972 the islands finally made what for Mr Clunies Ross and his family was the fatal contact with the twentieth century.



Ruled and ruler: Local family (above); Mr John Clunies Ross (above right); and his luxury mansion on Home Island.

"Up to that time I had had a good press - a rather romantic but generally a favourable one. Then it changed completely. The man came up here on a visit - oddly enough I invited him - and he wrote a wretched report when he got back in which he compared me to a southern American slave plantation owner. He leaked it to the press and it took off."



Mystery of 36 dead babies baffles inquiry

From John Best, Ottawa

Nearly a year after it started its hearings, a Royal Commission of Inquiry in Toronto is still gamely digging for answers to the mysterious deaths of 36 infants at Toronto's Hospital for Sick Children.

It is probably one of the most heart-rending public inquiries in Canadian history, endlessly baffling, filled with tension and emotionally draining.

Many if not all of the deaths, which occurred between June 1980 and March 1981, in the hospital's cardiac ward, are believed to have been caused by overdoses of the powerful heart drug digoxin.

Recently, residents of Toronto and much of Ontario province, remained transfixed for several days by news accounts of the testimony of a diminutive nurse, who three years ago was charged with murdering four of the infants.

The nurse, Susan Nelles, now aged 27, was set free after a 44-day preliminary hearing in 1982, when the presiding judge in the case found that there was insufficient evidence to proceed. She is now suing the Toronto Metropolitan Police for \$Can\$50,000 (£460,000) for malicious prosecution.

Her action against the police is not likely to come to trial until after the royal commission finishes its hearings.

Suspended from her job in the cardiac ward at the time of her arrest, she has since been re-engaged to work in the hospital's dialysis unit.

Miss Nelles's appearance was the emotional high point of the inquiry thus far. A model of composure on the witness stand throughout most of her grueling ordeal, Miss Nelles lost her poise at just one point under questioning by Mr Barry Percival, the lawyer for the Toronto police.

Mr Percival grilled the nurse as to the purpose of a meeting she had with two other nurses in the ward a few hours after the death of one of the babies, Justin Cook, on the night of March 22, 1981.

She said she had been upset by having to take the baby's father to the hospital morgue to view the body.

She and the other two nurses had talked about "how tired and frustrated we were" because of the number of babies that had died while under the care of their team.

When the lawyer pressed on and asked whether she had been "under an awful lot of stress," Miss Nelles broke down and a recess was ordered.

After the lunch break the nurse, her composure restored, was asked whether she believed someone had administered unprescribed digoxin, or overdoses of digoxin, to babies.

"That possibility arises, yes," she replied.

A post mortem examination revealed that the Cook baby had large amounts of unprescribed digoxin in his body. In her testimony Miss Nelles forcefully and repeatedly denied giving drug overdoses to any of the children.

Other evidence at the hearing, by Miss Nelles and by other nurses, has hinted at the chilling possibility that somebody might have tried to frame Miss Nelles, and even that there was a conspiracy involving more than one nurse.

Euthanasia - mercy killing - has also been mentioned, if only to be rejected as an explanation for the children's deaths.

Miss Nelles told the inquiry that she and other nurses in the cardiac ward had discussed the quality of life that very sick infants with heart defects could expect if they survived. But those discussions had not included euthanasia and she made it clear that she did not believe in euthanasia.

Almost as fascinating as the inquiry itself has been some of the legal byplay, especially the running battle between Mr Justice Samuel Grange, the Commissioner, and some civil liberties groups over the judge's stated intention to say who was responsible for the deaths if sufficient evidence is uncovered at the hearing.

Bitter feud threatens to split Malaysian Chinese

From David Watts, Kuala Lumpur

The Chinese of Malaysia are enmeshed in a political blood letting unmatched since independence. Unless reason soon returns to the Malaysian Chinese Association (MCA), part of the ruling National Front, the party seems set to tear itself apart with unpredictable consequences for the Chinese community.

The party leadership for months has been padding its membership with names of dead people and non-Chinese taken from electoral rolls. Party leaders have been increasing their support with thousands of these phantom members in order to increase the delegate strength against possible opponents.

Challenged with padding the party's membership, Dr Neo Yee Pan, the president, promptly expelled 14 members, including his principal rival, Mr Tan Koon Swan, a former hawk turned self-made millionaire.

Mr Tan struck back with stunning speed. Within 48 hours, with lawyers and members of Parliament standing by to witness affidavits, he had won the support of 64 per cent of the party for an emergency meeting to consider the expulsions and look into the phantom members.

Undaunted by the manifest lack of support for his leadership, Dr Neo immediately set

about freezing the activities of branches which mustered the greatest support for his opponents. Given the unusually strong powers vested in the MCA president, there is very little the branches can do about it.

Some of Dr Neo's opponents have even been threatened with the Internal Security Act, which provides for indefinite detention without trial, if they refuse to recant their support for the reform movement.

The Gilbert and Sullivan atmosphere in the MCA is less than humorous for the Chinese and their representation in national affairs at a time when the community is becoming more and more politically aware.

Chinese guilds and associations around the country are seething at Dr Neo's brazen handling of the party's affairs. What Mr Tan calls the "total absence of democracy" is yielding such bad publicity that Dr Neo will find it hard to survive the challenge. While Mr Tan and his supporters are looking for a political solution to a political problem, it seems increasingly likely that a final resolution will be found only in the courts.

In the meantime, the two MCA members with ministerial rank have had to resign and Chinese confidence in their politicians declines by the day.

Tube strikers sacked

Hongkong (Reuters) - More than 200 striking drivers and station staff of Hongkong's underground rail system have been dismissed for failing to turn up for work yesterday, a company spokesman said.

The strike, which began on Monday over a new shift system, caused delays for commuters during morning peak hours. The spokesman said other staff were running the trains, and all 25 stations were

open. On Monday five stations had to be closed for a time.

The Mass Transit Railway carries about 1.2 million passengers a day, making it the heaviest carrier per track mile in the world.

The MTR had issued a warning that workers who failed to turn up yesterday would be dismissed. But strikers continued a sit-down protest outside the company's headquarters.

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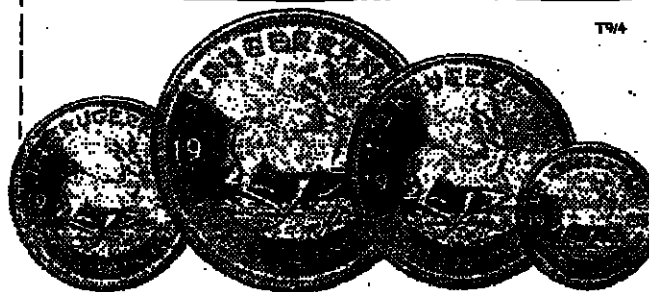
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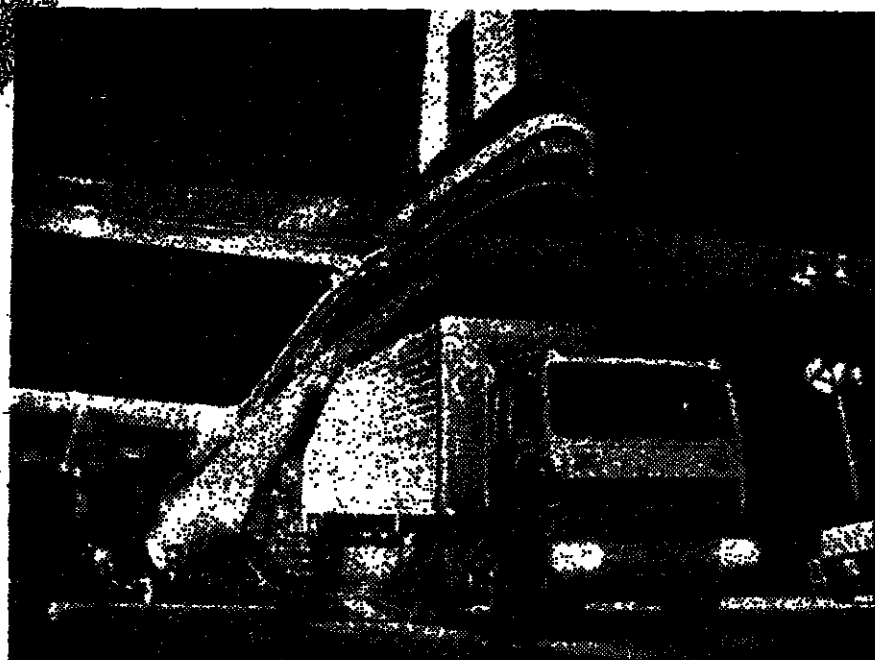
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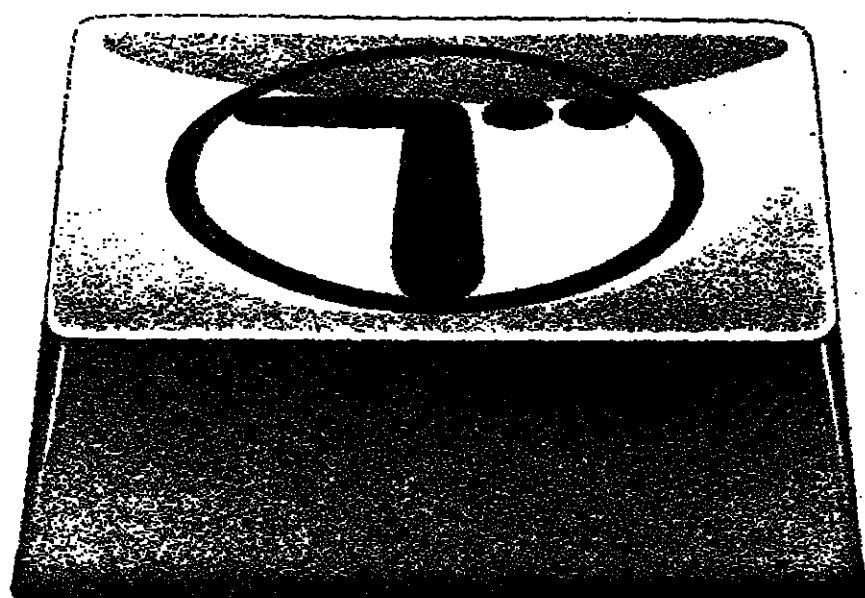


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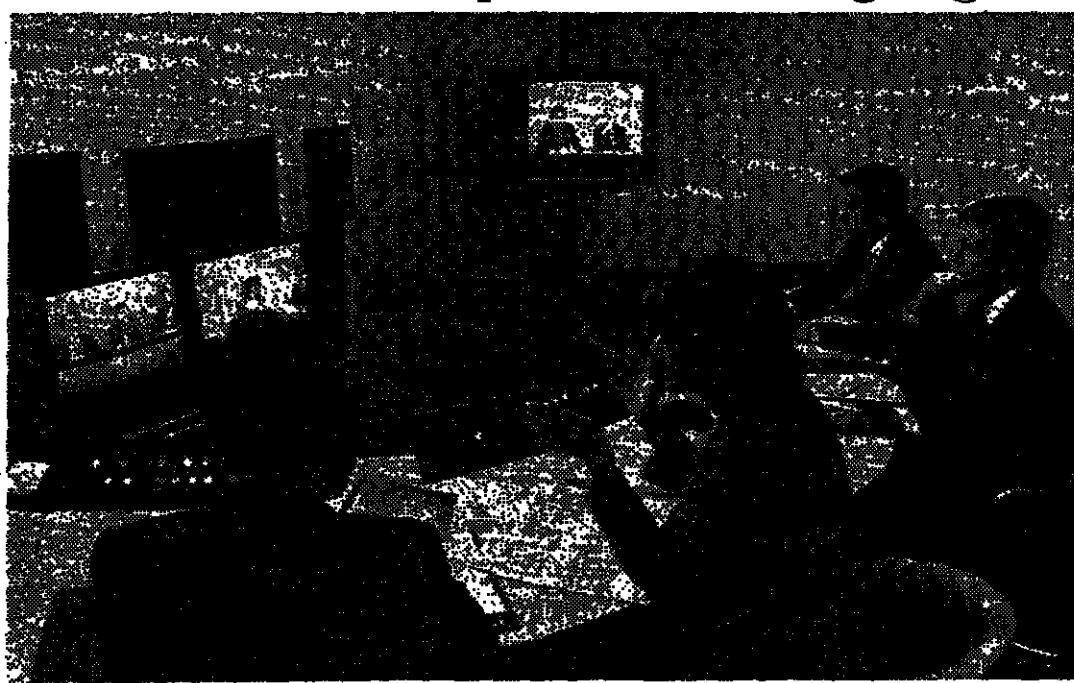


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The power behind the button.

THE ARTS

A fortnight after the publication of the Arts Council's strategy document, *The Glory of the Garden*, it has become clear that the plan has worked. For, apart from all the fears about where the axe might fall, it had been evident from the beginning that only one reaction, that of Lord Gowrie, really counted. That duly arrived last week in a letter from the Arts Minister to Sir William Rees-Mogg, the Arts Council chairman and principal architect of the strategy. The letter was effusive.

In the midst of all the ideological agonizing about the policy of devolution to the regions the real purpose of the strategy had been forgotten by the commentators. In essence this purpose was the salvation of the Arts Council itself. At the time the strategy was devised - at a meeting at Ickley last autumn - the pressure was on the Council. The report from the parliamentary Select Committee on the Arts had pressed for a significant shift of power away from the Council. The Priestley scrutiny of the financial affairs of the Royal Opera House and the Royal Shakespeare Company had suggested funds should go direct from the Government to the national arts companies.

Lord Harewood says it plays into the hands of the philistines. Luke Rittner says it has been well received. Twelve days after it was published Bryan Appleyard investigates the real issues behind the 'strategy for a decade'

How the Arts Council called the tune

On top of this the threatened dissolution of the metropolitan authorities had produced a significant problem over whether and how the £30m they put into the arts could be saved. With all the anti-Arts Council material available to Government last year the inhabitants of 105 Piccadilly appeared to be at the bottom of the list when it came to searching for possible managers for those rootless funds. Now, following *The Glory of the Garden*, there are strong indications that the money will indeed be redirected through the Council, a move which would raise it to perhaps its highest level of financial, if not manpower, resources.

It is in this light that Sir William's strategy document should be seen. Behind the obfuscating

quotations from Kipling and the reference to Pope's *Essay on Man* the hidden message is that Priestley was wrong. In numerous subtle hints, as well as in his specific recommendation of central government funding, his report had implied that the Arts Council had merely drifted and had lost direction. There was some talk that the future of the Council could be measured in months. But the second subtitle of *The Glory of the Garden* is "A Strategy for a Decade".

There was a personal element in all this. The Priestley scrutiny had been thrown at the arts as a penalty for the emergency funding from the Government the year before. The Government had half-expected it to expose massive profligacy in the big companies, but it revealed the

opposite. The Government grudgingly handed over the cash it had recommended but in earmarked form - the Council would have no say in where it went. Sir William - not an opera-lover at the best of times - was irritated that the bias of subsidy towards that art form was being further increased. Answering Priestley thus took on a special importance for the chairman.

In the details of the launch of the strategy the Council also displayed a new sophistication. The last time significant cuts were made the publicity effect was catastrophic. The wave of protests peaked after the announcement and the protesters thus had the last word.

This time it was altogether different. By a process of controlled and highly artificial leaks the

anguish was generated before the announcement. Opinion was polarized and the fury of the Left settled around the head of Sir William. This was all as planned. It was desirable to have a large number of scare stories about a Thatcherite junta at 105 Piccadilly. The truth, when it came, could only come as a blessed relief and the anti-Rees-Mogg lobby was left with egg on its face.

At the meeting of the full Arts Council two days before the Friday declaration it became clear Sir William would have no trouble. He revealed the ace up his sleeve - the raising of an additional £1m from future Arts Council receipts. This would be done by deducting 10 per cent from the increases on the assumption that they would tend to be in line with inflation. The less

numerate at the Council pursued their lips, and there has been talk of "funny money", but it won the day.

In the event Sir William only appeared to lose on the National Book League, which suffered a 25 per cent reduction in its grant rather than the complete cut he would probably have preferred. On the matter of the Royal Court, far from wanting it to be cut now, the Council's inner cabinet wanted to defer the decision until after the publicity wave. It would then proceed to put pressure on Kensington and Chelsea to pay its share of the subsidy. Piccadilly might even find an ally in the Greater London Council which, if pressed, would probably conclude that it disliked the Royal Borough even more than it disliked Sir William.

Perhaps the oddest figure to emerge from all this confusion was Dr Robert Stewart, a freelance academic brought in to help with the strategy. In the midst of the orchestrated paranoia he was identified by the left as the far right *eminece grise* working at the elbow of Sir William to bring down the shibboleths of the creative Left.

The evidence was his list of publications, all of which betrayed his scholarly fascination with conservatism. When questioned on the matter of his politics, however, he simply commented: "Put it this way - I have always voted Labour in the absence of anything further to the left which satisfied me".

But the real reason for the future lies in one critical and again unremarked fact of Arts Council life. The four central figures of the council - Sir William, the secretary general Luke Rittner, the immediately departing finance director Tony Field and the deputy secretary general Richard Fulford - all habitually inform each other of the future details of their diaries. They all know precisely who is having lunch with whom. There is a lot to be said for leaks.



Authentically unspeakable: Mary Maddox with Robert Daws

Theatre

In a tinsel postwar world

Breakneck

Royal, Stratford East

From what I remember of the Ruth Ellis case, it took place in the usual atmosphere of judicial lubricious moralizing, and abruptly turned to the news of the execution.

Vince Foxall's play views this sickening turning-point, in "Dawn, Dawn" but not only for the pair played in the attention of the death penalty. *Breakneck* presents Ellis as a young woman, 1950s twilight, a girl who looks and gifts enough to survive in the tinsel world of the postwar clubs, where the romance of the Bogart movies mingled with the economics of prostitution, and where straight sexual transactions could take second place to building up the

moral of a clientele damaged

The play is a tinsel, a nostalgic perspective, beginning with a couple of tough ex-Hollywood girls opening a club based on the filmic model. Jenny Foxall's set, with its quilled and painted floor, is a tinsel world of the postwar clubs, where the romance of the Bogart movies mingled with the economics of prostitution, and where straight sexual transactions could take second place to building up the

morale of a clientele damaged by the war. The play is a tinsel, a nostalgic perspective, beginning with a couple of tough ex-Hollywood girls opening a club based on the filmic model. Jenny Foxall's set, with its quilled and painted floor, is a tinsel world of the postwar clubs, where the romance of the Bogart movies mingled with the economics of prostitution, and where straight sexual transactions could take second place to building up the

authenticity of a Patrick Hamilton

year-old, capitalizing on a R.A.F. sergeant for the sake of a pair of nylons, and subsequently engaging in a tinsel world of the postwar clubs, where the romance of the Bogart movies mingled with the economics of prostitution, and where straight sexual transactions could take second place to building up the

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Dance
Danny Grossman
Bloomsbury

We have no right to object if an artist decides to adopt a different tendency - but we may reasonably decide that we are less interested in his work. Danny Grossman first attracted attention as a choreographer with *Higher*, a virtuoso piece for two dancers, two chairs and a step-ladder, full of daredevil balancing tricks, amazing athleticism and careless humour, to songs by Ray Charles.

It became a signature work, first in Toronto (whence I reported on it enthusiastically in these pages), then in the repertoire of the company he formed and brought to Britain four years ago. It was included again in the new programme Grossman showed at the Bloomsbury on Tuesday, opening a week there to be followed by performances in Oxford and Buxton. But this time I heard no laughter around me and sensed fewer gasps of amazement.

Partly that must be because Grossman has passed it on to a new cast, Randy Glynn and Pamela Grundy, who perform it with great skill but less exuberance than we remember. But another cause must be that by that stage of the evening Grossman had battered us into

In the Swiss-born conductor Charles Dutoit, who brings his Montreal Symphony Orchestra to London on Sunday, recording history is repeating itself a generation on: interview by John Higgins

Revealing the music's inner colours

In the Fifties, as the record industry discovered first the LP and then stereo sound, Decca placed much reliance on Ernest Ansermet and his Orchestre de la Suisse Romande to show off these new inventions and ensure their share of the market. Thirty years later, in the age of the Compact Disc, Decca have turned, among others, to Ansermet's fellow Swiss and Vaudois Charles Dutoit, to make the most of the sound quality CD offers. The orchestra this time, though, is not the OSR, but the Orchestre Symphonique de Montreal.

The OSR has been described as the world's best French orchestra, a phrase which has stuck somewhat to the distress of those living in and around Paris. But there is no disputing that Dutoit's recordings of Ravel, a pair of them, show off CD to the best possible advantage. A coupling of Rimsky-Korsakov's *Scheherazade* with the *Capriccio espagnol*, due out in a few days' time, and Stravinsky's *Rite of Spring*, to be recorded next month, are likely to add to the reputation. In the meantime Dutoit and the



Dutoit: "I believe in being firm"

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"I did not fire one of them. Let us simply say that some of the musicians did not like the pressure I exerted on them, so they decided to leave. We now have a very young orchestra, with a lot of players under thirty. For most of them the OSR is their first professional engagement. This has the advantage that they do not come with bad habits. I can mould the sound I want and that is one with no trace of muddiness. I hate mud."

Dutoit, who is approaching 50, has the reputation of being something of an autocrat. At the OSR's concert in Hamburg's Musikhalle last week two ladies had the misfortune to arrive late and the even greater misfortune to have their seats in the second row close to the conductor. Dutoit fixed them with a hawk-like glare that reduced them to quivering rabbits expecting to be eaten for supper. Beecham could not have done better - or was it the Ansermet influence?

Although I spent three years at Ansermet rehearsals while I was completing my studies at Geneva, I was never one of his pupils. Ansermet was an old-fashioned 'patron' who, as he advanced in years, was apt to

lose his temper. I believe in being firm, which is not the same thing as being tough. However, Dutoit's recordings with the OSR, with a quite heavy emphasis on scores commissioned for the ballet, are surely very much Ansermet territory?

"To some extent, but there are quite other reasons for choosing these works. I regard myself as a modern conductor in that I am aware of marketing needs. My wife is an economist. We choose works which are under-represented in the catalogue - there is no point in making yet another recording of say Beethoven 7 - and which will show off the orchestra to the best advantage. What I have

worked for above all at Montreal is intonation; when that is good all the harmonics can blossom. It is what you might call the 'prism phenomenon': the light goes through and all the colours are revealed within.

"As for the Ansermet territory, well it's also the repertoire of the Ballets Russes, the French tradition of Montoux and Munch, who like Ansermet are dead. In a tiny way it's a reflection of my youth when I was called by Karajan to conduct ballet at the Vienna State Opera when Massine was still there. One night at the age of 73 he even danced the *Lurva* in *Le Tricorne* himself. I learnt a lot watching him cut through all that Viennese *Schlagobers*. My initial aim has been to make the orchestra first-class in a specific field; now we can move on, first to Berlioz, *Romeo et Juliette* and the *Fantastique* [also in Sunday's Barbican programme], and then to the Russians."

Dutoit's entrenchment in North America - he also has a three-year contract with the Minnesota Symphony - is a fact. He could choose to stay there, but he is not. He is a man who believes in his own country possibly prompted opening the OSR tour in Geneva and including *The Rite of Spring* in the programme.

"I suppose there was an element of challenge in taking the *Rite* to Ansermet's home town. But the orchestra is now confident, except possibly in the Philharmonie in Berlin where I sensed some nervousness at the shadows of the Berlin Philharmonic, and if you are going to record a work then perfect it on tour. The OSR now has a feeling of responsibility; it is well respected now in its home town where perhaps at one time it wasn't. There's still room for improvement: I want to make today's best form tomorrow's norm. In other words to do what Georg Szell did in Cleveland."

London debuts

Serious rivalry for traditional chamber orchestras

The Goldberg Ensemble from Manchester proved themselves a crack team of string players in the best incisive, warm, full-blooded European tradition. It would be possible to call their Handel unstylish - certainly it was more 18th-century English Concert - but its toughness and forward impulse (even in the slow movements, heavy with vibrato) were always strongly sustained.

The players usually stand (except the cellos, of course) and the chamber group is placed in the front of the hall, when it is not in the front of the hall. This is a very unusual ensemble, in which the players are not seated, and the conductor is not at the front of the hall. This is a very unusual ensemble, in which the players are not seated, and the conductor is not at the front of the hall.

Among smaller groups, the Emerson String Quartet from the United States made a last-minute debut at the Wigmore Hall for a series of three nights. This is a very unusual ensemble, in which the players are not seated, and the conductor is not at the front of the hall. This is a very unusual ensemble, in which the players are not seated, and the conductor is not at the front of the hall.

Like many American groups, there is a touch of coldness in the playing, and Bartok's Sixth Quartet, though very carefully considered, was never quite

as good as the previous ones. But Schubert's Quartet in G minor was beautifully rounded, the melody soared with freedom, and the repeated notes brooded darkly.

The Icelandic composer Askell Masson assembled a group of composers and skilled English players to present a complete evening of his music. This is a very unusual ensemble, in which the players are not seated, and the conductor is not at the front of the hall. This is a very unusual ensemble, in which the players are not seated, and the conductor is not at the front of the hall.

commenced in this fragmented, uncoordinated manner. The music was not as good as the previous ones. But Schubert's Quartet in G minor was beautifully rounded, the melody soared with freedom, and the repeated notes brooded darkly.

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Nicholas Kenyon

BARRY FOSTER
JUDY PARFITT
LESLIE PHILLIPS
ZENA WALKER
PETER NICHOLS

Passion

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Concert

Refreshing directness

scarcely ever merely decorative. If a rude force with rather blunt edges sometimes disrupts the playing, that was preferable to misty insubstantiality.

Pogorelich's variation in tempo in the first movement could have been alarming, but the way he swept the rising strings from a slow, breathless pianissimo (ignoring the *disolto* marking) to a huge, fast climax, a paragraph later was thrilling, even if as a result the rest of the movement tended to collapse. The end of the slow movement was understated, but the finale was light-hearted without ever being merely silly.

The Scottish National Orchestra, playing in the last season's under-

Television

Horrors in hiding

happened on September 1940, the GHQ was in a state of high alert, the situation was imminent within the walls of the castle, providing a cloak for mayhem.

The suspense hardly slipped, as to the Mr. Birt and the director Ben Bolt, and the acting was excellent. Cusack, who can distort reality with an eyebrow-shift, contrived a cameo as an ambiguous ministry man. It may be remembered with a shudder, BBC's *Brass* backs to enacted three cases in magistrates' courts with the cooperation of those involved. The barrister, Geoffrey Robertson held the ring, interviewing and commenting. The purpose was to establish whether the application of the *Magistrates' Act* to no man shall lose his liberty except by the judgment of his peers had been sustained. It seemed not. Magistrates and the system were found wanting. A good programme, produced by Gerry Northam and Gita Conn, also denied full justice here for want of space.

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Home Office letter conflicts with policy Exemplary damages after baseless defence

Regina v Secretary of State for the Home Department, Ex parte Asif Mahmood Khan
Before Lord Justice Dunn, Lord Justice Watkins and Lord Justice Parker.
[Judgment delivered April 4]

The Home Secretary acted unreasonably in departing from the terms of a Home Office circular letter issued to would-be adoptive parents when he refused entry clearance for a Pakistani child to come to England for adoption.

The Court of Appeal, Lord Justice Watkins dissenting, so held in reserved judgments when allowing an appeal by Mr Asif Mahmood Khan, of Snyder Road, Stoke Newington, London, from a decision of Mr Justice Stephen Brown, who had refused Mr Khan's application for judicial review of the Home Secretary's refusal of the entry clearance and an order of certiorari to quash that refusal.

Mr Mahmood Khan, who was the applicant, Mr David Latham for the Home Secretary.

LORD JUSTICE PARKER said that the applicant was by birth a citizen of Pakistan. He was settled in England, where he and his wife had been given indefinite leave to remain.

They had been married for some six years and had been informed that for medical reasons they were incapable of having a child of their own. They desired to adopt a child born in Pakistan, about 5½ years of age. He was the third child of the applicant's brother and sister-in-law, who were willing for him to be adopted.

In 1981 the applicant went to the Pakistan Advice Bureau to seek advice about the procedure for adoption and was handed a letter issued by the Home Office explaining the system.

Anyone reading that letter would have no difficulty in understanding that a child could not be brought in for adoption under the Immigration Rules and that if a child was to be allowed in for such purpose it would only be at the discretion of the Home Secretary and in exceptional cases.

Such cases would arise only where the Home Secretary was satisfied of four specified matters: (1) that there was a genuine intention to adopt; (2) that the child's welfare here was assured; (3) that the court here would be likely to grant an adoption order; and (4) that one of the intending adopters was domiciled here.

The applicant completed the necessary documentation and the entry clearance officer having interviewed the applicant, the natural mother and the child, sent a report with the necessary documentation to the Home Office.

According to the Home Office letter the procedure was, (1) The Home Office would inquire of the DHSS if there were any apparent reasons why a court would refuse to

grant an adoption order. (2) That department would arrange for appropriate inquiries to be made through the applicant's local authority's social services department with a view to establishing that a suitable home was being offered and ensuring that the placement would be in the interests of the child's welfare. (3) In some cases inquiries in the country of origin might be made.

In the case of the applicant, that procedure was not initiated. It appeared that there was a postal or administrative muddle which resulted in delay until February 28, 1982, when the entry clearance officer issued a refusal of the application made on behalf of the child in the following terms:

"You have applied to enter the United Kingdom for adoption by Asif Mahmood Khan but you have no claim to admission for this purpose under the Immigration Rules. Furthermore the secretary of state is not satisfied that serious and compelling family or other considerations make exclusion undesirable."

In the light of the Home Office letter the terms of the second sentence were a little surprising. The applicant applied for judicial review of the refusal of the application for entry clearance and an order of certiorari to quash it.

That application was dismissed by Mr Justice Stephen Brown on May 23, 1983 and the applicant now appealed against that decision.

An affidavit sworn by a senior executive in the Home Office was filed on behalf of the secretary of state. She deposed that the discretion of the secretary of state to allow entry to a child for adoption was exercised on closely analogous principles to those laid down in paragraph 46 of the Statement of Changes in Immigration Rules (HC 364 of 1980).

That paragraph read in part: "children under 18... are to be admitted for settlement... if one parent, or a relative other than a parent is settled... in the United Kingdom and there are serious and compelling family or other considerations which make exclusion undesirable... and suitable arrangements have been made for the child's care."

In this paragraph "parent" includes... an adoptive parent, but only where there has been a genuine transfer of parental responsibility on the ground of the original parents' inability to care for the child and the adoption is not one of convenience arranged to facilitate the child's admission."

According to the officer the secretary of state treated would-be adoptive parents on a par with adoptive parents.

If that was the policy, the guidance given in the Home Office letter was grossly misleading as was frankly accepted by Mr Latham. There was not a word to suggest that in exercising his discretion the secretary of state required to be satisfied that the natural parents

were incapable of looking after the prospective adoptee.

The whole tenor of the Home Office letter was that, if the application was genuine, the child's welfare was assured, a court would be likely to grant an order and the natural parents gave a real consent the child would be let in and his ultimate fate left to the court here. If an adoption order was made it would remain. If an order was refused it would be returned.

There was no doubt that the Home Office letter afforded the applicant a reasonable expectation that the procedures it set out would be followed.

His Lordship equally had no doubt that it was considered by the department at the time the letter was sent out that if those procedures were fully implemented they would be sufficient to safeguard the public interest. The letter could mean nothing else.

The secretary of state was of course at liberty to change the policy applied at that time but a new policy could only be implemented after a recipient of such a letter had been given a full opportunity to make representations and only after full and serious consideration whether there was some over-riding public interest which justified a departure from the procedures stated in the letter.

The policy of refusing entry save where the natural parents were incapable of looking after the child was a new policy for without specific evidence, which was not present, that such policy existed at the time, it could not be assumed that the Home Office would have issued a letter in the terms which they did or have failed both to mention that the secretary would be required to satisfy the Home Secretary on the point and to have instructed overseas officers to make inquiries.

His Lordship would allow the appeal and quash the refusal of entry clearance. That would leave the secretary of state free either to proceed on the basis of the letter or, if he considered it desirable to operate the new policy to afford the applicant a full opportunity to make representations why, in his case, it should not be followed.

If the new policy was to continue in operation, the sooner the Home Office letter was redrafted and false hopes ceased to be raised in those who might have a deep emotional need to adopt the better it would be. To leave it in its present form was not only bad and grossly unfair administration but, in some instances at any rate, positively cruel.

LORD JUSTICE WATKINS, dissenting, said that, the Home Office letter was no more than a helpful guide to an intending adopter from the secretary of state. It was clear from the relevant paragraph that the secretary of state was informing the intending adopter that once the four conditions were satisfied he would then proceed to exercise his discretion and in an

exceptional case allow a child to be brought here for adoption. A failure to satisfy him upon one or more of those essential prerequisites would effectively prevent him from even beginning the process of exercising that discretion.

It was apparent from the letter that the Secretary of State did not explain how he would exercise his discretion. In other words he did not set out the matters that he either would or would not take into consideration. He could not be regarded as having behaved in the least unfairly. He was under no legal or other obligation to do otherwise.

LORD JUSTICE DUNN, agreeing with Lord Justice Parker, said that it appeared from the letter that the Home Secretary was assuming an administrative discretion the exercise of which was subject to judicial review on the *Wednesbury* principles ([1948] 1 KB 223, 228).

The Home Secretary caused the circular letter to be sent to all applicants setting out the four criteria to be satisfied before leave could be given. Thereby, he in effect made his own rules, and stated those matters which he regarded as relevant and would consider in reaching his decision.

The letter said nothing about the natural parents' inability to care for the child as being a relevant consideration, and did not even contain a general "sweeping up clause" to include all the circumstances of the case which might seem relevant to the Home Secretary.

Although the circular letter did not create an estoppel, the Home Secretary set out therein for the benefit of applicants the matters to be taken into consideration, and then reached his decision upon a consideration which on his own showing was irrelevant. In so doing he misdirected himself according to his own criteria and acted unreasonably.

His Lordship would allow the appeal and quash the refusal of entry clearance.

Solicitors: Seiffert Sedley & Co. Treasury Solicitor.

Judicial review costs policy

Regina v West Yorkshire Coroner, Ex parte Kenyon

The general principle that on an application for judicial review costs would not be granted against a public body where the body had not appeared and was not represented and the error of law was not something that called for strong disapproval by the court was applicable to challenges of a coroner's court. The Queen's Bench Divisional Court (Lord Justice Kerr and Mr Justice Gidwell) held on April 9

Connor v Chief Constable of Cambridgeshire
Before Mr Justice French
[Judgment delivered April 9]

Exemplary damages of £500 were awarded against the Chief Constable of Cambridgeshire to Mr Robert Michael Connor by Mr Justice French in the Queen's Bench Division when he said that the police had persisted in a defence which was baseless and which had caused inevitable distress and disquiet to the plaintiff.

Mr Connor claimed damages for pain and suffering as a result of an assault by a police officer prior to a football match at Cambridge United's ground on September 29, 1979, and was entitled to a total of £2,500 damages plus interest.

Mr Adrian Saher for the plaintiff; Mr Jamie DeBurgos for the defendant.

MR JUSTICE FRENCH said that Chelsea Football Club were playing Cambridge United at an all-ticket match at Cambridge. The Chelsea supporters had a bad reputation especially in relation to their behaviour at away matches.

The plaintiff, a Chelsea supporter,

went to the match with two friends. They tried to enter the ground at an entrance where there was a sizeable crowd of Chelsea supporters. The crowd became more impatient as it was checked by a turnstile.

There was clearly a rush by the crowd which was an irresistible forward movement. That brushed aside two police officers, one of whom had a dog, trying to control the crowd. There was much shouting, some of it hostile, against the police, and gravel was thrown.

It was undoubtedly an ugly and frightening situation. Further, some cleavers had been stolen from an abattoir the night before and Chelsea supporters were suspected. There was thus a background of alarm and tension.

The defence admitted that the plaintiff had suffered injury as a result of a blow from a truncheon, but that the blow was inflicted in self-defence. It was alleged that the plaintiff had charged one of the officers, PC Drew, with his head down and was part of the noisy, riotous mob.

Further, it was said that PC Drew was fearful for his colleague with the dog, and that he needed protection.

Therefore, reasonable force had been used in the prevention of a breach of the peace.

His Lordship said that the evidence of the plaintiff, his friends, and four independent witnesses was moderate and from persons of good character. They did not exaggerate in describing the frightening behaviour of the mob.

The evidence of the defence was not supported, especially the contrast between what was pleaded and what was in PC Drew's notebook. It was inherently improbable that the mob would put themselves near the officer with the dog or that they were trying to separate that dog from his handler.

Clearly, PC Drew failed to distinguish between that section of the crowd that was riotously determined and those who were irresistibly borne forward. He overreacted and struck out at anyone, regarding all as hooligans.

That reaction was explained by the background of events, but the officer should have got out of the way. What happened went beyond reasonable defence of self or a brother officer, nor was it a reasonable measure for preventing a

breach of the peace. It was regrettable that PC Drew's explanation of the impact on the plaintiff's head was unacceptable.

The plaintiff must have had a distressing experience although he had put himself in a situation where there was a risk of rowdiness. However, the conduct of the officer was such that it could not be excused. But it was not as serious as that of the officers in *Gower v Commissioner of Police of the Metropolis* (The Times March 31, 1984).

While there was a shortage of evidence on the speed and thoroughness of the police investigation of the matter, the Director of Public Prosecutions had decided that the prosecution of PC Drew should not follow. Although there had been no disciplinary inquiry for over four and a half years, it was not possible to judge whether that was the defendant's policy.

There would be judgment for the plaintiff with costs.

Solicitors: Shepherd Harris & Co, Enfield; Mr L. A. Wilham, Cambridge.

No discretion on clothes need

Supplementary Benefits Officer v Howell

Before Sir John Donaldson, Master of the Rolls, Lord Justice Fox and Lord Justice Stephen Brown.
[Judgment delivered April 10]

The words "exceptional need" in section 3(1) of the Supplementary Benefits Act 1976 as amended by the Social Security Act 1980, which provided for payment in prescribed cases of supplementary benefit "by way of a single payment... to meet an exceptional need" and also in the Supplementary Benefit (Single Payment) Regulations (SI 1980 No 985) were words stating a requirement and not conferring a discretion.

The Court of Appeal allowed an appeal by the Supplementary Benefits Officer from a decision of the Social Security Commissioner Mr M. J. Goodman, who upheld a decision of the Supplementary Benefit Appeal Tribunal which, by a majority, had held that £51.50 was payable to the claimant, Miss Hyacinth Howell, for the purchase of a raincoat, dress and shoes by way of a single payment. The tribunal had held that Miss Howell's need had arisen through her trying to find clerical work where she needed to look presentable and not from normal wear and tear.

Mr Simon D. Brown for the benefits officer; Mr Richard Drabbe for Miss Howell.

LORD JUSTICE FOX, giving the reserved judgment of the court, said that the commission had proceeded upon the basis that the expression "exceptional need" conferred a comparatively wide discretion upon the tribunal.

In the court's opinion the words "exceptional need" in the statute and regulation 3(1) of the Regulations did not confer any discretion upon the tribunal.

The words were stating a requirement and not conferring a discretion.

The construction of the statute and the Regulations was a matter of law but since there was "no comprehensive definition of the ordinary English words 'exceptional need' it would generally be a matter of fact and degree whether the case came within them: see *per Lord Radcliffe in Edwards v Bairstow* (1956) AC 14, 33. In reaching a conclusion on that the tribunal would not be exercising a discretion but using its judgment."

Regulation 27(1) specified the circumstances in which a single payment would be made, namely the claimant needed "new or replacement clothing" and "(a) that

need has arisen otherwise than by normal wear and tear..."

In the present case the need was established but the reason why the clothes were not adequate was simply because of normal wear and tear. You did not necessarily need new clothes for looking for jobs; you needed reasonably presentable ones.

On the evidence it seemed to the court that the only reason why Miss Howell's clothes were not reasonably presentable was because of normal wear and tear. Miss Howell had not discharged the onus of showing that the need arose "otherwise than by normal wear and tear."

The £51.50 which Miss Howell had claimed had, so the court had been informed, in fact been paid to her and no question of recovering it back now arose.

The appeal should be allowed.

Solicitors: Solicitor, DHSS; Mr Roger J. Smith.

Fair rent review

99 Bishopsgate Ltd v Prudential Assurance Co Ltd

Where an arbitrator, in a dispute relating to the construction of a rent review clause in a lease, had to consider what represented a fair yearly rent and the lease provided that there was to have regard to "rental values current... for property let without a premium with vacant possession... he was required to consider that the whole building would be let with vacant possession in arriving at the final figure.

Mr Justice Lloyd so stated in the

Commercial Court of the Queen's Bench Division on April 10 when he allowed the tenant's notice of motion which sought to vary the final award of an arbitrator and to substitute the arbitrator's alternative award.

HIS LORDSHIP said that he agreed with the tenant's contentions that there could be no conceivable point in directing the arbitrator to have regard to comparable lettings with vacant possession if the subject premises were assumed to be let.

Garden neglect can lead to eviction

Holloway and Another v Povey

A garden left to grow entirely uncontrolled throughout a whole growing season could be said to have deteriorated owing to acts of neglect by the tenant of the dwelling house of which that garden was treated as forming a part. It followed that in such circumstances a court was entitled to grant the landlord an order for possession under Case 3 of Schedule 15 to the Rent Act 1977.

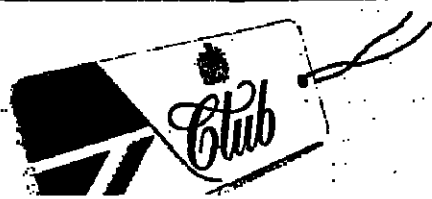
Lord Justice Griffiths, sitting with Lord Justice Slade in the Court of Appeal so stated on April 10 in hearing an appeal by the statutory tenant of a rural cottage at Crookham Common, Newbury, from the judgment of Judge Blomfield on November 25, 1983, making an order for possession in favour of the landlords.

LORD JUSTICE GRIFFITHS, however, said that in making the order the judge had misapprehended the true nature of the deterioration of the garden for which the tenant himself was responsible by referring repeatedly to its overgrown state before the commencement of his statutory tenancy - the period during which the tenant had no legal responsibility for its upkeep because he was, living there with the previous tenant, his elderly mother.

Although the tenant's behaviour was virtually impeccable, the judge should have given him a chance to clear up the garden. The order for possession would be suspended for a year on condition that the garden be kept tidy.

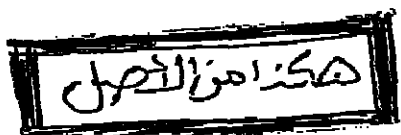


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SPECTRUM

Beside a picture of Caernarfon Castle and a big black Welsh Bible, Trevor Fishlock took tea and scones with Handel and Glenys Jones. But there were Spanish words among the conversation and Wales was half a world away, for the Joneses live in the Welsh settlement in Patagonia and they "are Argentines now"

Keeping down under with the Joneses

The road from Trelew to Gaiman was empty, snaking over a stony Patagonian landscape studded with dusty green bushes of bitter thorn. I turned from this lunar desolation to the local newspaper I had bought at the airport. The main story was about exhumations, the unearthing of the bones of 20 people from this district who had disappeared in the repression.

The town of Gaiman lies in the shallow Chubut Valley and the wind rushes through it, howling great balls of dust and hanging into creaking windbreaks of poplars. The main street, on this hot Sunday afternoon, was wide and empty, like the street in *High Noon* before the showdown.

At last, I found a man making a zoo. He was cutting out animal shapes from sheets of tin and planting them among the flowers in his garden, and he had rigged a sign inviting visitors to inspect them. He was printing stripes on a zebra, and a tin tiger was drying in the sun. I asked him where the Joneses lived.

He frowned until I remembered to give Jones its Spanish pronunciation of, Hone-ess. He gave directions and soon I was in the kitchen of Handel and Glenys Jones. They were with their cousin, Mrs Gwen Rees de Jones, and they were all pink and jolly, as if in studied defiance of the tough, dry land in which they lived.

In my honour Glenys took her hair out of curlers and put on a new mauve pinafore, made in Wales. It being tea-time, they insisted I had a proper tea of bread and butter, jam, scones, cream and cake. They thought me odd for refusing milk and sugar in my tea and looked into the cup and said "Dim llaeth, dim swigr, fancy..."

The tea room is decorated with tea

towels from Wales and pictures of Caernarfon Castle, souvenirs of the Joneses' first visit to Wales three years ago. On a shelf is a big black Welsh bible, printed in 1858.

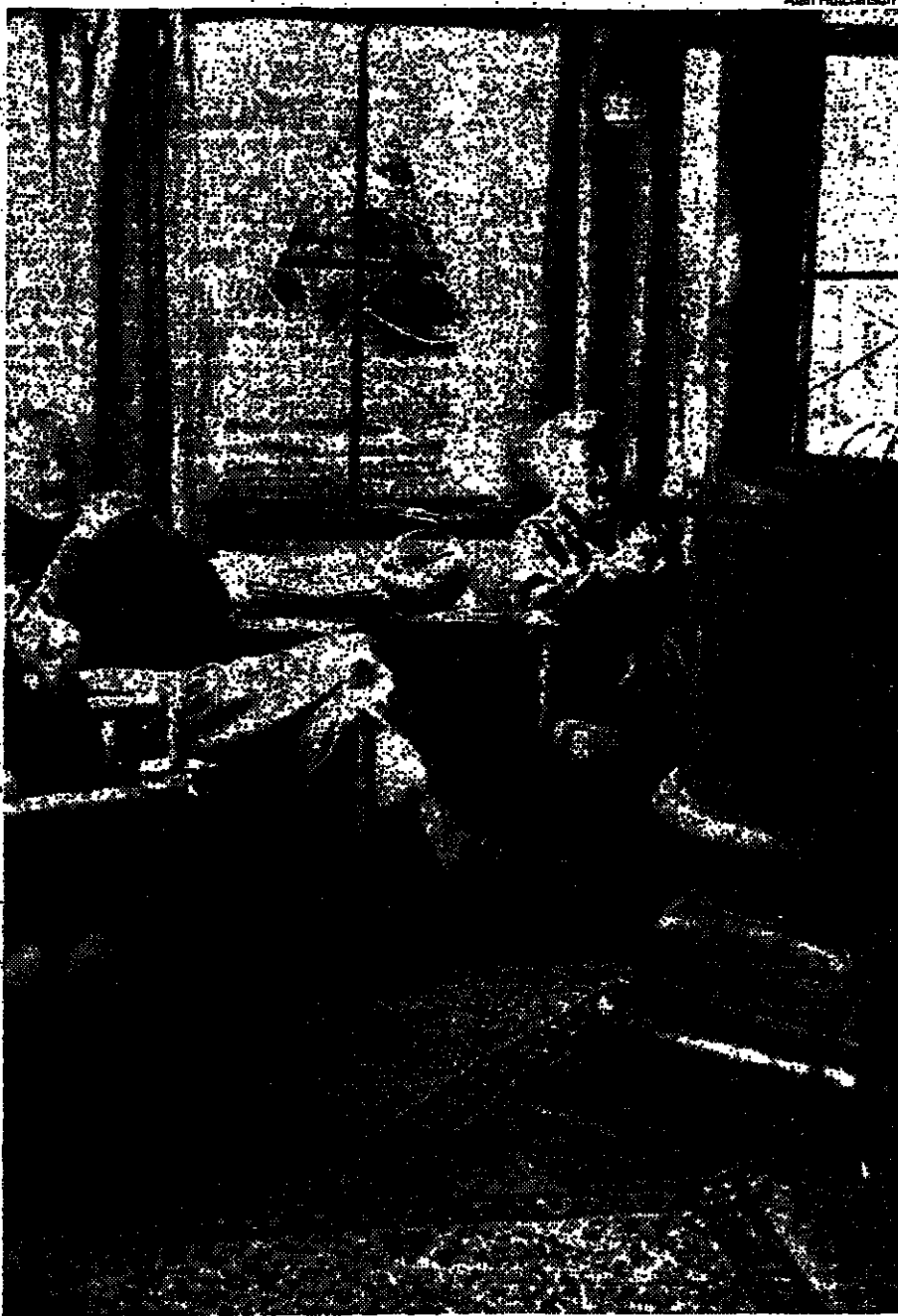
When I raised the Falklands War the three of them fell silent and looked at their shoes. Gwen said finally: "We are Argentines now... but it was a bad time. It was the military rule, you understand." They screwed up their faces to show disapproval of the dictators. They brightened when we turned the talk to the new democracy and said that a weight had been lifted. "It's so good for the young people, isn't it?" Gwen said.

Democracy, a vision of Utopia, was what drew Welshmen to Argentina in the first place and the Welsh settlement of Patagonia is a remarkable chapter in man's pursuit of dreams. The colony was founded in 1865 by Welsh people seeking refuge from the oppression of landlords and poverty. Its birth was a romantic offshoot of the flowering of Welsh nationalism in Victorian times.

With bundles of £1 and ten-shilling notes printed in Welsh, 153 pioneers sailed from Liverpool in the converted clipper Mimosa, singing a song about the new homeland at the end of the earth.

People of merely ordinary courage would surely have turned back at the first sight of Patagonia's forbidding land. The memorial to the Welsh arrival, on the seafloor at Puerto Madryn, shows men and women clutching bibles and looking hopeful. The prospectus had been misleadingly romantic and the expedition ill-planned. The first years were a version of hell and the pioneers almost gave up.

But they survived (learning from Indians rather than killing them), and built their Welsh-speaking democracy with a senate elected annually, votes for men and women at 18, chapels and schools. The last migration from Wales was in 1912. In time, the colony became absorbed into Argentina, its singular democracy died out and Spanish became the dominant language through marriage and practice.



A Welsh welcome in the Patagonian hillsides

Miss Tegai Roberts has photographs of her pioneer family on her mantelshelf in Gaiman. Her great-grandfather went to Patagonia ahead of the Mimosa, to scout the land, and was at Puerto Madryn to meet the ship.

"It's a pity you weren't here for chapel this morning", Miss Roberts said. "We had a lovely service. We were celebrating the chapel's ninety-second anniversary and had 100 in the congregation, nearly all Welsh-speaking."

She is the curator of the Museo Gales, the Welsh museum housed in Gaiman's old railway station. It has photographs of settlers, grouped like rugby teams, voting registers and a ballot box, rifles with broken stocks tied with string, branding irons and a register of brands compiled as an anti-rustling measure. There is a Welsh dresser with mugs, jugs and teapots bearing the image of the Rev. Michael D. Jones, the North Wales preacher who inspired the Patagonian expedition, but who did not himself settle here. There are volumes of the colony's newspaper, *Drafod*, which exists today as a literary journal, a harp, a piano and an etched chair and programmes.

The etched chair, every October, attracts about 2,000 people. It is a bilingual, Spanish and Welsh, festival. But the number of people writing poetry in Welsh is small and dwindling. Hundreds of people in Patagonia still speak Welsh, but the language belongs primarily to the middle-aged and the old. A number of young people are trying to ensure that continuity is

not broken, and a Welsh school has been started.

The Welsh in Patagonia, like many Argentines, do not find it easy to talk about the repression, for they learnt the habit of reticence under military rule. "You don't know how long democracy will last", a woman said. "And we have taught ourselves to be careful. One day a Welshman was seized by the army and blindfolded and taken away. He came back after a few days, thank God. There was also a teacher, a nice man who never made any secret of his socialist views, who was taken away and never seen again. There was nothing anyone could do for him, for there was no one to turn to. The soldiers came to my house once and looked through the wardrobe and the books. There was no reason for it and it was frightening."

The bus from Gaiman to Trelew was packed. There were blue-eyed, fair-haired faces, black-eyed, flat-featured Indian ones, and a sprinkling of Spanish faces. Trelew is a town of low, grey houses, of dismal appearance. I took the bus on to Puerto Madryn, a resort on a long crescent of beach. It is battered by winds which roam the streets seeking a way out and never finding it. In the shop windows are tins of Welsh cake and plaster figures of the two moults of the region, penguins and Welsh girls in tall hats.

The Welsh who made their way to the western side of Patagonia have settled in a landscape of more agreeable appearance. The foothills of the southern Andes are evocative of the Brecon Beacons and parts of North

Wales. In Esquel, I stayed at Mrs Megan Rowlands' guest house and she insisted I consume a large tea of scones and cream and packed me off next morning with a breakfast of eggs and fat sausages.

There were gauchos at the bus station in low black hats and baggy trousers, looking as bereft as the habitually mounted always do when horseless. I took the bus through a magnificent vista of mountains to the pretty town of Trevelin, founded by a Welshman, 14 miles from Esquel. Mounted sheep-herders were rounding up flocks on the green hillsides with the help of dogs. The Welsh flavour of Trevelin comes through in its house names and on the election posters, and its citizens include Oscar Kansas Jones, Camwy Jones, Inigo Jones and Glindwr Williams.

In Esquel, I met Mrs Rhianon Aplwan Gough, another great-granddaughter of the Patagonian pioneer who met the Mimosa. Her husband, Jimmy Gough, is a leading sheep breeder, known as El Ingles, partly because of his English ancestry but also because of his squirely bearing. He is 62 and was born in Trelew.

His father was a Wiltshireman who used to run mule trains carrying freight across Patagonia. Mr Gough did his national service in the Argentine army and then, because the Second World War had started, went to Britain as a volunteer and served in the Royal Artillery.

Mr Gough has an *Estancia*, a ranch, of 3,700 acres near Trevelin and another - 36 leagues away, as he puts it - of 42,000 acres. He has Merino sheep and Hereford cattle, and he remarked that since the Falklands War he had not been able to get sperm from England for the cattle.

"When the war started, the police offered me protection, but I did not accept it. We are Argentines after all, and although I have a British passport, this is the country we are committed to, where our children were brought up. My Argentine friends and I had an unspoken agreement in the war: We did not talk about it. Of course, all of us are delighted at the return of democracy. I suppose I could tell my friends that if Galtieri had won the war Argentina would still have a military government."

"Most people were pleased when the army took power in 1976 because we all wanted the terrorists flattened. But after a while we started hearing about the disappearances. A man I know lost a son. It was enough, it seems, for a boy to have been at university to come under suspicion."

His wife said: "We dare not hope for too much. One of the difficulties is that Argentines want miracles and quick answers and they expect the president to work wonders. Democracy gives us all a chance to start again, but I'm afraid that people may not be prepared to make the effort to make it work."

Argentines watch, fascinated, as an extraordinary period in their history unfolds under the leadership of the country lawyer, Raul Alfonsin. The Patagonian Welsh claim their share of him. Like Welsh people everywhere they have an abiding interest in genealogy, and, having examined the president's antecedents, have concluded that he is one-eighth Welsh.

Thus the descendants of the starry-eyed pioneers who came to this wild and formidable land to plant a democracy, deserve a certain satisfaction in the re-emergence of the democratic strain in their adopted country.

moreover... Miles Kington

At last, the posthumous Oscar

The Moreover Movie Awards, traditionally presented on the day after the Oscars, were handed over last night in a glittering ceremony at the Sir Richard Attenborough Banqueting Room, Park Scratchings Service Area, on the M1.

Russell Harty, Esther Rantzen and Andrew Lloyd Webber were there, but there were many stars present as well - a large photograph of Barbara Streisand was flown in all the way from California, as well as a video tape from Bob Hope explaining that he could not be present because nobody had invited him.

Barry Norman moved easily through the crowd talking to everyone, and many people talked back. Nigel Lawson made a brief appearance before being pelted to death with stale bridge rolls. Finally, Lord Moreover, chairman of Twentieth Century Moreover, rose to set rolling the high spot of the evening.

"My lords, ladies and gentlemen", he intoned, "might I suggest that we turn this motorway service area into an independent country for the evening so that it can issue its own postage stamps - no, I'm sorry, that's a letter from Stanley Gibbons I got this morning."

Amid laughter, Lord Moreover went on to compliment everyone present on having made a film this year, or, if they hadn't made one, to thank them for seeing a film this year, or, if they hadn't managed to get to a cinema, to thank them for being a film critic. He then proceeded without further ado to the presentation of the awards which would not be done by personalities imported for the evening but by himself, as he wanted to meet the stars personally.

The first award was a new one, the Special Merit award. There was always an Oscar, Lord Moreover explained, for some very old film star who had never got one. This one was for a dead film star who had been treated very badly by Hollywood. Nominations included such illustrious people as Charlie Chaplin, but the award had finally been given to Fatty Arbuckle.

The Schnozzle Durante Medal, awarded to someone whose nose was more interesting than his voice, did not go to Barbara Streisand, as expected, but to Barry Manilow.

The "Some Like It Hot" award, given to anyone who spends most of a film dressed up as a member of the opposite sex, had one obvious destination, said Lord Moreover to Barbara Streisand in *Yentl*. However this was so obvious they had decided to give it instead to Dustin Hoffman for *Tootsie*.

The award for the Most Enterprising Screen Credit of the Year went to Justin X. Clammer, who had been listed as Hairdresser to Mr Yul Brynner.

The Best Food Film was named as the Barbara Streisand production which told the story of the Jewish boy who changed sex and gave up kosher meat: *Yentl*.

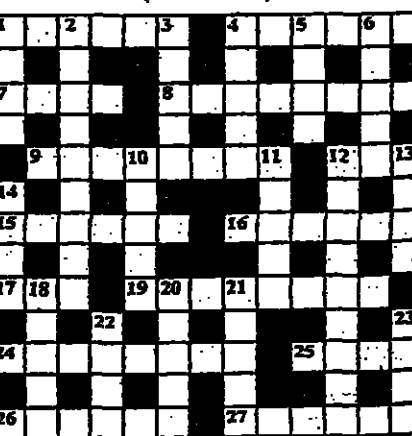
The Best Car Chase Sequence award went to Barbara Streisand for having produced, directed and driven all the cars in the film about the Jewish girl who changes sex and hires a car: *Yentl*.

The award for the Best Film Music went to Barbara Streisand for her singing of the title theme from the film about the young Jewish boy who changes his teeth: *Yentl*. The award for Film of the Year went to the film written, created, produced, directed and acted by Barbara Streisand, about the little Jewish girl who suffers from the delusion that she can write, create, produce, direct and act a film by herself: *Yentl*.

The final award, for Acceptance Speech of the Year, went as usual to Sir Richard Attenborough. Accepting the award, Sir Richard said: "Words cannot express the gratitude and pride that I feel on being given this award. I am only the front man for this speech, of course. Much of the hard work was done by its writer, Jack Smith. The slog of typing it out was done by Jones Secretarial Services of Harley Street. I should also mention the loyal team who looked up the spelling for me, namely..."

At a signal from Lord Moreover the mikes went dead at this point and the crowd adjourned to get down as much free drink as possible.

CONCISE CROSSWORD (No 315)



- ACROSS: 1 Judicial review (6), 4 Brisk music (6), 7 Somewhat (4), 8 Apache chief (8), 9 Wandering minstrel (8), 12 Armed conflict (3), 15 Tremble (6), 16 Archetype (6), 17 Dread (3), 19 Sad tale (3,5), 24 Restless funseeker (8), 25 Festive event (4), 26 Unlucky (6), 27 Rescind (6).
- DOWN: 1 Multitude (4), 2 Condescending manner (9), 3 Lawful (5), 4 Connoisseur's objects (5), 5 Steam aperture (4), 6 Pause mark (5), 10 Surmise (5), 11 Grip attention (5), 12 1972 US political scandal (9), 13 Uncommon (4), 14 Water (4), 18 Divine anger (5), 20 Snell (5), 21 Raga instrument (5), 22 Lament (4), 23 Depressing atmosphere (4).

SOLUTION TO No 314: ACROSS: 1 Tyburn 5 Wolf 8 Talon 9 Grown up 11 Senility 13 Snug 15 Born again 18 Hale 19 Scabbard 22 Premium 23 Thong 24 Know 25 Nobody. DOWN: 2 Yulan 3 Urn 4 Night watchman 5 Wool 6 Likeman 7 Stash 10 Page 12 Lure 14 Barb 15 Between 16 Chop 17 Adage 20 Avoid 21 View 23 Tub.



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Help the Aged Easter Appeal

Pugwash, pirate on the crest of a wave

In a garret studio, a crow's nest above Holland Park, lives the mastermind behind one of the world's best-loved and least successful pirates. John Ryan's eyrie looks like a junk room, the roof of over 30 years of Captain Pugwash ventures. On top of a box marked "Pirates' friendly" is a box marked "Pirates' hostile", there are various items of nautical gear which Ryan uses as models: a ship's wheel, lanterns, ships in bottles, swords and ropes. A frieze of pirates dances across the wall as lightly as Botticelli's nymphs. There used to be a row of medals under the mantelpiece with the last ribbon suspending a spare front door key but an old sea dog, a real admiral, reprimanded Ryan for being disrespectful and they have disappeared.

The contrast between Ryan and his hero could not be greater although he claims that he is growing to be like Pugwash in his paunch and his optimism. Ryan is tall with a round face always bursting into a chuckle. Pugwash is short, fat and ingenuous.

"He is a moderately good man trying to be bad", says Ryan. "The secrets of his character are what I believe to be the two main driving forces of humanity: cowardice and greed."

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Pugwash owes his existence to an impetuous member of Ryan's wedding in 1950. Instead of the present the guest offered to introduce Ryan to the Reverend Marcus Morris, who was then starting the *Eagle* magazine. It was planned as a comic with a high moral and educational content and Ryan says he drew a very serious cartoon about Bad King John and showed it to Morris.

"He looked at it and laughed. He said: 'If you can draw me something really funny I will publish it'. I came home to our little bedsitter in Chelsea and the figure of Captain Pugwash appeared almost like magic on the paper and he was immediately surrounded by a crew. He was thinner and more disreputable in those days. He also had a wife but she was so unattractive that I ditched her."

Tom, the cabin boy, who continually rescues Pugwash from his own ineptitude, came later. "After all, someone has to do the work", says Ryan. "All my heroes are such twits."

Pugwash and some of his friends and relations are having an exhibition at the Royal Festival Hall from next Wednesday.

Pugwash didn't last long in *Eagle* because Morris felt he was too young for the readership. He was replaced by Harris Tweed, the bungling detective who appeared for 10 years.



Captain Pugwash (above left) and creator: now a pirate video

In *Girl*, *Eagle's* sister magazine, Ryan created "Lettice Leaf, the Greenest Girl in the School" and fat Miss Froth, who never wore the same dress twice in all her weekly appearances over 10 years.

Ryan's first book of Pugwash was rejected by 12 publishers before it was taken on. Since then Pugwash has sailed across television and video screens, into games, on to t-shirts and stages. He is famous throughout the world and translated into many languages.

Television produced a host of new characters such as Sir Francolot, a medieval knight with a penchant for science fiction who was a distant ancestor of Pugwash's.

Ryan also does a weekly cartoon for the *Catholic Herald*, a task made treacherous by prickly religious sensitivities. He was not allowed to portray the Pope in a cartoon until

the election of Pope John Paul II. Cardinal Grotti, the sinister Vatican bureaucrat constantly outraged by change, much resembles Captain Pugwash in clerical garb and dark glasses. "He is, in fact, his first cousin", confides Ryan.

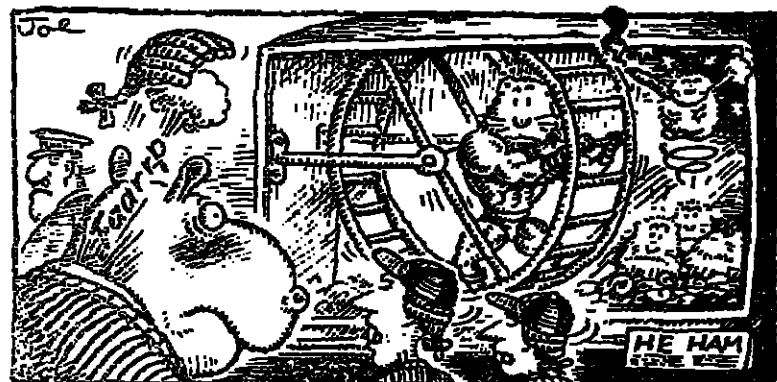
As one passes down the stairs from Ryan's studio to the elegantly furnished Kensington flat below there are on the wall what appear to be miniature portraits by old masters in gorgeous gilt frames. Look a little closer and some of the faces have little curving moustaches and tiny pointed beards. They have big round eyes and they are wearing big black hats with the skull and crossbones. John Ryan chuckles.

*Captain Pugwash and other creations by John Ryan at the Royal Festival Hall, South Bank, London SE1. April 18-30 from 10am.

WEDNESDAY PAGE

ALAN FRANKS' DIARY

Out of the mouths...



Just as doctors must take the Hippocratic oath, so parents should be made to swear a hygienic one. As it is already common policy to school the young in principles that were never enshrined in our own past behaviour, it is surely high time the position was formalized. I write this in the wake of several birthdays in the neighbourhood, all of which were characterized by disturbingly sexual symptoms among the children in question. My own son, for example, was expecting an entire set of those muscle-bound oafs known as "He-Man Figures" from an old woman up the road, who could as much afford such things as she could clear the Moon in a single bound. As the day drew on and it became clear that the figures were not forthcoming and that he would have to content himself with a snowscape card-recycled from Christmas, I heard those words: "But it's the thought that counts" enter the air as if from another mouth and another time. But the mouth was mine and the time was then, and in that moment I could remember, with appalling vividness, how I used to ravage the little white envelopes from Uncle Ronnie and Auntie Hilda each year in search of cash. When brown ten-bob notes no longer fluttered to the mat, my parents would say this meant that I was a "grown-up boy", since only little children cared about ten-bob notes. (I suppose that must have been my first lesson on the very strong resemblance between adults and little children.) Anyway, it was not until some years later that I learned that "Uncle" Ronnie and "Auntie" Hilda (this time I put the designations in quotes, since they were no more relatives than the old woman up the road) had had some ill-defined trouble with the bailiffs and left the area. All of which did not stop my brother and me compiling a list of their arrears and offering them easy terms for an immediate settlement. All that prevented us from actually posting the letter was an absence of the new address: I should be glad that my own children are not reproducing quite such hideous traits, yet, I might say, in the neighbourhood. Hamish, the hamster, the new honorary member of Petronella's family, has made something of a name for himself here because of his undoubted prowess on the wheel. I am, of course, persona non grata in

the household, thank goodness, but my informant told me Hamish is a splendid sight in full cry, pedalling away on his tiny treadmill in the classic lion rampant position. Picture the disquiet in the family when this model of rodent machismo suddenly takes it into his head to have a litter. It has done nothing for the credibility of Petronella (pregnant herself), who has been explaining to her children for months that "it is only ladies who have babies". Personally I feel rather more sorry for the hamster, the wheel has fallen silent and the creature mopes about its cage as if atoning for a misspent youth. It is hard to be entirely carefree once children arrive, but Hamish, it must be remembered, is the head of a large one-parent family, and is probably having terrible nights. Being re-christened Mamishina cannot have helped.

This is tricky but interesting. My horrible lawyer friend Parvis Maitland drops by with his two boys on their way back from Chessington Zoo. He is as bleary as ever, having the previous night been wined and dined (swigged and pigged, I call it) by a very famous actress whose messy divorce has just made him even richer. As he describes the occasion (quite obviously the reason for his visit), the floor is a-patter with dropped names. But his sons are yet more garrulous about some extraordinary hippo which "talks at both ends". For a moment I have visions of Dr Dolittle's Push-Me-Pull-You, but it is soon apparent that the animal's spring diet has made him flustered. "Actually, he wasn't talking," says the elder boy. "He was making Daddy noises". Is this a blush I see on Maitland's face?

TALKBACK

A meaty question

From Howard Gilling, Grove House, Little Tew, Oxford
Almost 20 years ago, in my middle thirties, I became a victim of arthritis overnight. I experienced a series of relapses, each time a little worse. Walking grew to be a nightmare. A few months ago, I gave up eating all meats, including fish and all dairy products. I can now run up stairs, lock both my knee joints back and get out of bed to walk immediately.

It would be interesting to learn whether arthritis is peculiar to omnivores; my spaniel has it. Do meat-eating species similarly suffer and are chimpanzees and orang-outangs arthritis-free?

From Mrs Claire Large, 5 Oak End, Arundel, West Sussex
Having read Alan Franks' Diary (28 March 1984) I must point out that my three-year-old daughter has beaten him to his analogy with Beatrix Potter. She recognized the voice on the radio and announced "It's Mrs Thatcher. Just like Mrs Little-mouse". In view of our Prime Minister's fanatical emphasis on good housekeeping and new brooms, and her exclusion of any but her own kind from her inner sanctum, I thought it an unwittingly apposite remark.

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Elegant meals in a moment

THE TIMES COOK



Shona Crawford Poole

and its sweet taste an instantly popular one. I used a little dried tarragon, just a pinch, in the soup instead of the fresh tarragon sprig garnish.

Red pepper soup
Serves four to six
8 red peppers
3 carrots, peeled
3 shallots, peeled
1 clove garlic, peeled
1 pear, peeled and quartered
1 tablespoon olive oil
55g (2oz) unsalted butter
1 litre (1½ pints) chicken stock
1 tablespoon crushed dried red pepper
Dash of cayenne pepper
Salt and black pepper to taste
Sprigs of fresh tarragon to taste

As demands on her time increased, Martha Stewart's "game" became more serious and she evolved a set of rules for quick cooking which she tried to stick to.

Nowadays she is a professional cook, caterer and businesswoman. Her first book, *Entertaining*, was deservedly successful and *Quick Cook* seems sure to follow it. It is a long time since I have been impatient to cook so many recipes from a single volume, and never before from an American one.

Quick, certainly, Martha Stewart's recipes are fresh, elegant, and unfussy modern. In the book, which is illustrated with good colour photographs, they are divided into seasonal menus and there is a conversion chart for the American measures in the form of a jumbo bookmark. The following recipes are taken from the book.

The red pepper soup is the most stunning scarlet colour,

Julienne the remaining red pepper into fine strips and add them to the soup. Garnish with tarragon and serve with french bread.

Fillet of sole wrapped in spinach
Serves four
4 fillets of sole
30g (1oz) butter at room temperature
Salt and pepper to taste
225g (8oz) large spinach leaves, washed
4 lemon wedges

Dot each fillet with butter. Sprinkle with salt and pepper and fold in half crosswise. Put fillets in a steamer and cook for five to seven minutes. Remove and cool slightly.

When the fillets are cool enough to handle, wrap each in a spinach leaf. Secure leaf with a toothpick if necessary. Return fillets to the steamer and cook until the spinach leaves are wilted but still bright green, about 2 minutes. Serve at once with the lemon wedges. (I cooked the rest of the spinach on top of the fish and served it with it.)

For pears baked in cream Martha Stewart uses Bosc or Bartlett pears, neither of which varieties is easy to find here. Choose ripe but firm fruit of whatever type; pear is available and if they are small, serve each person with two halves.

Pears baked in cream
Serves four
30g (1 oz) unsalted butter
2 tablespoons sugar
2 large pears, unpeeled, halved and cored
120 ml (4 fl oz) double cream

Butter a shallow baking dish with half the butter and sprinkle 1 tablespoon of sugar over the bottom.

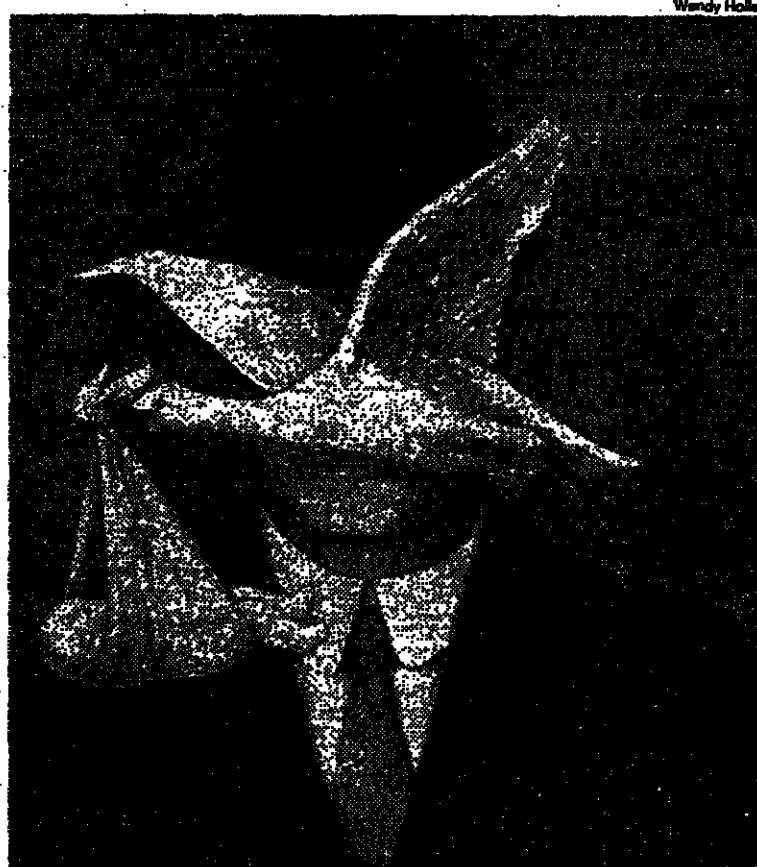
Put the pears, cut side down, in the dish. Sprinkle with remaining sugar and dot with butter.

Bake the pears in a preheated moderately hot oven (200°C/400°F, gas mark 6) for 10 minutes. Pour the cream over the pears and bake them for 20 minutes more. Serve them warm.

*Martha Stewart's *Quick Cook* is published tomorrow by Sidgwick & Jackson, price £12.95

Caroline Moorehead talks to the mother of a baby born by AID

The paternal triangle



Sara is 32, the mother of a two-year-old girl, and hoping shortly to become pregnant again. The father of both babies will have been not her draughtsman husband but an unknown donor, supplied through one of the rising number of clinics now practising artificial insemination.

AID has long since overtaken child adoption

AID has long since overtaken adoption as the preferred way for a childless couple to acquire a child, and all the more so as most adoption agencies have shut their doors to would-be parents willing to take a newborn baby. Mr David Joyce, senior consultant at Southmead, says that when he first became involved in the field of AID in 1970 only one or two in 10 couples who could have received AID actually chose to have it. "Now it's at least eight couples out of 10. What's more, medical attitudes have changed; then, there was a feeling that it was somehow morally a bit strange. Now doctors are sympathetic."

Why, then, does artificial insemination remain such an awkward topic? And what prevents its becoming a routine and open medical event?

Medically the procedure is extremely simple, so simple in fact that it can be carried out with the minimum of technical know-how and even with a "do-it-yourself" kit, something that appeals much of the medical profession.

become an obsession: having a baby was all I thought about."

It is in the area of the law and the emotions that AID becomes a more uncertain proposition. At present, a child conceived by AID is illegitimate, and should be registered as such, whether or not the husband has consented to it. The child's status is that of any child of an adulterous liaison. The donor, and not the woman's husband, is the legal father. A White Paper on family law recommendations that, on the contrary, an AID baby should be registered as the husband's child and that nothing to suggest anything else should appear on the birth certificate.

Implementation is thought to be awaiting the report of the Warnock Committee on test-tube babies, surrogate mothers and AID. With no guidance, the practice is vulnerable. As Mr Joyce explains: "There is really nothing at present to prevent an unhappy mother with an AID baby going to court, insisting on the identity of the donor being divulged and claiming maintenance."

It is at least partly the fear that someone may take advantage of this loophole that prompts those who provide AID to be immensely careful that they take on only apparently securely married couples. Women "without partners" seldom find doctors willing to help, though this is of course also because of doubt about the satisfactory nature of one-parent families. One Harley

Street doctor said that a divorced woman who had just lost her only child, a five-year-old boy, in a car crash had asked her for AID. "I said no. I felt that it was quite wrong. We can't play God, can we?"

Three recurring anxieties plague couples who embark on AID. The first concerns a sense of inadequacy reported by many of the husbands. Sara said that the long wait to get pregnant had given her husband a chance to get over feeling "emasculated" and for her to stop thinking of it as adultery. It is during these long waits that Child, a charity concerning itself with infertility, helps by putting member in touch with others who have successfully and happily undergone the process.

Understandably, there is also some wariness about donors. Their identity is, of course, secret. Clinics report, however, that they usually select medical students, aged somewhere between 20 and 26, because they can be relied on to provide complete medical histories. Hospitals say that they advertise "discreetly" in universities. One London hospital has recently taken to asking the fathers of healthy babies born in the maternity unit to provide semen, with the guarantee that it will be used to father no more than one AID child. Elsewhere, up to 20 pregnancies from a single donor is average; above that, there is a fear of producing too many half brothers and sisters.

In both clinics and hospitals, donors, who are paid £8 a session

and come in perhaps twice a week, are screened for illness, certified to be "healthy, fit and have no squint" and matched to husbands for height, colour of hair and eyes. "We're sometimes asked for a sense of humour," said one specialist, "but who will agree on what makes up humour?" One patient admitted that she would like "high intelligence and an all-round sportsman" but added that she saw that it would be hard to scour London for the right combination.

Finally there is the confused issue of who should know what. Jill is a social worker in her late twenties. Eighteen months ago tests revealed her husband to be infertile and two months ago she started attending an AID clinic. "We are going to tell no one," she says. "Absolutely no one at all. Never. It's very important to my husband." The doctors running the clinics say that between half and two-thirds of their patients share this attitude, and that even if some of the younger women appear for their appointments with relations or friends, their waiting rooms are more often filled with tense couples, sitting close to each other and not speaking.

'I think I don't want the baby to know'

Some of those who have talked about it regret bitterly having done so. "When it all took so long I couldn't keep it to myself," says Sara. "It's my nature, to talk. But now I think I don't want the baby to know. I wish I had kept silent." Before providing AID, counsellors invariably make the point that unless parents are quite certain that they will wish to tell the child, total secrecy is best, except of course in the cases where telling is a reassurance, for example, when the husband has haemophilia or Huntington's Chorea.

"If anyone knows," says Dr Michael Humphrey, who counsels couples regularly at St George's Hospital, "then the child should know." (The secrecy can extend further, and to somewhat absurd degrees; one consultant says that he is now seeing women who tell their infertile husbands that they are receiving AID while in fact they have decided that they prefer to find a lover to father the child.)

Those who, like Mr Joyce, feel that AID is "an extremely successful procedure, with quite remarkably few problems" and that it does much to alleviate the miseries and anxieties of women like Sara for whom having no child has become an obsessive nightmare, are concerned about how little priority AID gets on the medical ladder. "The trouble," he says, "is that AID patients tend to want to remain anonymous. They're reluctant to push or make demands."

COMMENT

Unfit for aerobics

As a physiotherapist who deals with a lot of sports injuries, I try to be in fairly close touch with any changing trends in exercise. In about September last year, I started to get a few women coming for treatment with injuries that happened at "aerobics". The one or two turned into five or six, and by December I began to be very concerned at the potential seriousness of some of the injuries and the number of women who had them.

I realized that I knew nothing about what went on in "aerobics classes" and resolved to attend some. A few days before my first class I came across Dr Kenneth Cooper's book *The Aerobics Way* and learnt something of his research in the United States and the fundamental aims of an aerobics class.

But the lady who brought aerobics to the notice of the women in the street was Jane Fonda. Proving the image of the body beautiful, her style of aerobics soon caught on here, with many famous names and bodies taking it up enthusiastically.

Unfortunately, the aims behind the teaching have been almost disregarded by many of the increasing number of teachers all over the country. Largely untrained - even the very few "qualified" teachers know little about body physiology - these ladies have been packing the church halls with up to 50 women at a time, all of whom would instantly like the body shape and image of their blue-suited idol.

Rarely are the women asked if they have, or have had, any back, hip, neck or knee problem. Rarely are the exercises balanced so that no one area of their body is stressed more than another. Rarely are they told adequately, every time, how and why they should take their pulse.

Rarely is competition between the women discouraged; often newcomers to a class feel urged to compete at the same high level as the others.

Having watched and participated in many classes in my county, I am now not at all surprised at the number of women with injuries. Aerobics, taught as they are at present, could be dangerous.

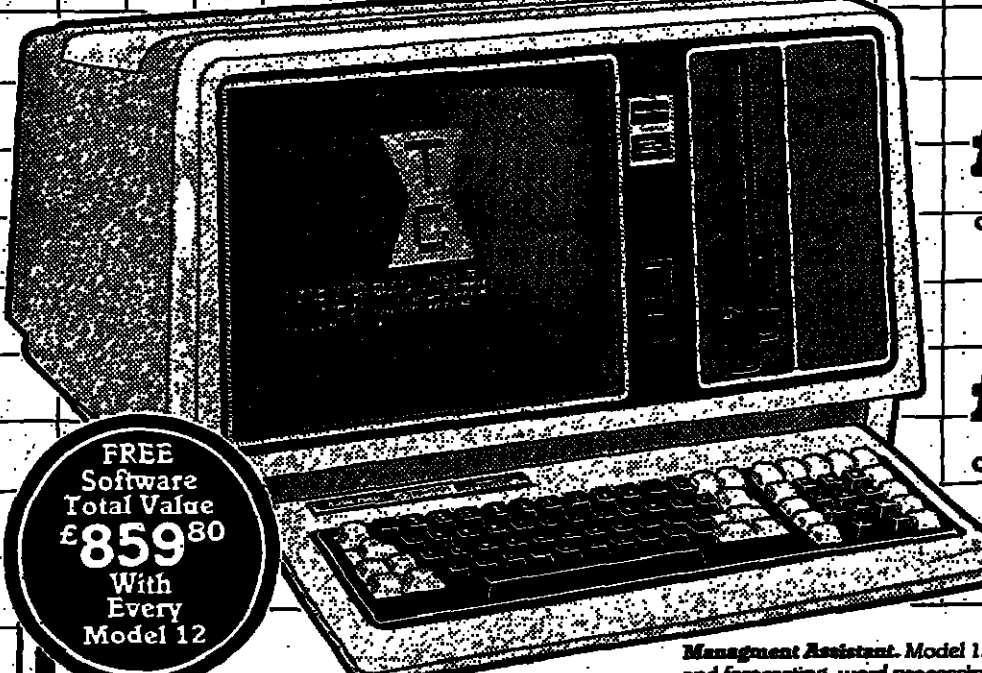
In an unofficial survey carried out among a dozen physiotherapists in Hertfordshire and Essex, almost 30 per cent of sports injuries seen in the past six months occurred during an aerobics class. About half of these injuries were to the lower back.

Logging or rope skipping, or even running up and downstairs may not sound very exciting, but done little and often, it works. And, with the right footwear, it is rarely dangerous. So find out what you should do to improve your fitness, how often and how long. And before you attend your next aerobics class, ask yourself: "Am I really fit enough to get in shape this way?"

Ruth Doodson

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THE TIMES DIARY

Breaking ties

Following my disclosure that tea at the Ritz is to end on May 1 because of the "riff-raff", I have been inundated by wails of despair. And some cries of delight. "I hope the whole place closes down for good," said reader David Fishman. He tells me he received "very rude and snotty" treatment when he turned up for tea without a tie last Sunday. He agreed to wear one from the hotel's stock. "I felt really common. It was one of these wide Sixties kippie-style polyester ties. When the cloakroom attendant refused to take his wife's coat until they had been allocated a table, they walked out. "It was a B-class comedy. All my left-wing tendencies came to the fore. And I vote Thatcher. Come the revolution..." he said, adding the Ritz didn't even know his income. Such vulgarities would scarcely cross the mind of the hotel's assistant manager, Julian Payne. Describing the riff-raff, he told me: "I used to think Nike was a nuclear weapon until I saw it printed on their training shoes".

Precisely

Struggle against illiteracy, national task

Intelligence from the Kabul New Times.

Red Admiral

Closer to home, intelligence is also being disseminated by Ken Livingstone in a "Nelsonian battle call". Appealing to MPs across the Thames, who today debate the Government's Bill to scrap the G.L.C. Livingstone has hoisted about 40 naval signal flags outside County Hall. They bear the message "London expects every MP to do their (sic) duty". Perhaps Red Ken should take off his eye-patch and take part in the Afghan "struggle".

● Crypto-Liberals seem to have infiltrated Aims of Industry. I have just been invited to meet their president, Michael Ivens, at the Whig and Pen Club.

Watered down

The outrageous American comedienne, Joan Rivers, has gone soft. At her own request, four minutes of unorthodox remarks about the Royal Family have been cut from her latest record, *Can We Talk?* Only the Americans will be privy to such Rivers jibes as the one about Prince Charles and his ears - "They're so large he could hang-glide over the Falklands," she says on the uncensored US issue. According to her agents, Rivers asked for the cuts in a spirit of evenhandedness. "She objects to Brits who go to the States and slag off the Royals." Such reticence is scarcely shown by Central Television. Its *Spitting Image* satirical programme last Sunday had a puppet caricature of Princess Margaret attempting a saucy strip. No more than five complained about the entire show.

No joy, please

The National Theatre of Brent has taken the joy out of sex. The company's comedy about the "exploration of erotica", which opens at the Lyric, Hammersmith tonight, was to be called *The Joy of Sex* as a tribute to Dr Alex Comfort's best-selling manual. But his publishers, Mitchell Beasley, were not amused. So it was retitled *The Complete Joy of Sex*. No joy, said Mitchell Beasley. Tonight, the play opens as *The Complete Guide to Sex*.

BARRY FANTONI



"Pity she can't run the 5,000 metres"

Hustings hustler

Iain "Deep" Sprout really is irresistible. After failing to get himself selected as the Tory candidate for Lord Whitelaw's Penrith seat, and, as I reported last Friday, Sir Hugh Fraser's Stafford seat, Sprout was bawling it out yet again to succeed Viscount Orenden, formerly Maurice Macmillan, in the South-west Surrey constituency. Vying for the safe Tory seat last night were Virginia Bottomley and Euro-MP Stanley Johnson. Rothschild's, where Sprout works as a consultant, must be on tenterhooks.

PHS

North Atlantic to South Pacific: a world brief for Nato



On the evidence of the twentieth century, man is not especially endowed with foresight. Early in the 1960s, after Britain had sent a military expedition to quell a revolt against the Tanzanian government in Julius Nyerere, I asked Lord Mountbatten how many times since the end of the war in 1945 we had sent armed forces abroad, and how often the situation had been foreseen. His answer was 48 - and none!

In the remaining 16 years of this century, what factors of political strategy are sufficiently predictable for the Western allies to pay a military insurance premium in advance? Some general assumptions seem to be valid.

The Soviet communist doctrine that the use of force is legitimate to achieve a political aim will continue. Moscow will still pursue a global policy of supporting revolutionary movements, to undermine Western influence and extend its own. Nuclear weaponry will still be part of the military structure of both the Warsaw Pact and Nato: the defensive and offensive power of conventional arms will have been developed and improved. Nato will probably have retrieved some of its present deficiency in that respect, but the balance of power is unlikely to have been significantly changed.

Do these general forecasts mean that the outlook is stalemate? It is probably reasonable to expect that there will be some modification in Russian military employment. However, every possibility has to be qualified by a "but"...

The Marxist revolution is 60 years old, but the decisively military twist given to it by Stalin still has priority. Russia, in the words of Mr Chernenko, has to be made "invincible". It will denounce imperialism, but will continue to keep its grip on the *cordon sanitaire* of Eastern Europe and Afghanistan. Strategic nuclear weapons are likely to be reduced, but a large over-kill retained.

The economic situation inside Russia should, on any reasonable calculation, limit its scope to promote revolution at second-hand (Cuba, for example, is a heavy drain on its resources), but the Kremlin can call for discipline, on the strong feeling of nationalism.

On the available evidence, Russia, although facing considerable difficulties, will by 2000AD remain immensely powerful, militarily, therefore, will not be able to lower its guard. Too much will be at stake, for law and order, and political stability, were to be broken in Europe and the Atlantic, there would be chaos everywhere. The defence of Europe, the Atlantic Ocean and North America, must therefore continue to be given

Continuing our series on the 35th anniversary of the western alliance, Lord Home of the Hirsell says the West must precisely define its vital interests everywhere, drawing clear lines which the Russians will not be allowed to cross with impunity

priority by Britain and its allies, while they pursue what is called "détente".

The basic difficulty of agreeing on anything in the politico-military field with the Russian Communists will continue to be that they deal in ideology and do not speak the same language, or hold the same values, as do the democracies.

Mr Brezhnev's definition of détente, to which Mr Chernenko subscribes, is a convincing illustration. Brezhnev talked of it as a continuing aspect of the global "struggle" and "confrontation", and forecast that both would have to be intensified. No democratic statesman could conceivably talk of "confrontation" and "struggle" in the context of détente, the essence of which is, not aggression, but compromise and coexistence.

To add to the dilemma of the democracies, this Russian interpretation embraces the whole world, from Vietnam and Cambodia, through Ethiopia and Angola, to El Salvador.

The Soviet leaders have two options between now and the next century, and both are consistent with communist doctrine. They can maintain political and military pressure on the European and Atlantic front, or they can create a tactical lull in which they would concentrate their propaganda on insisting that it is the West that threatens aggression, and that Russia is the aggrieved peace-maker.

Global threat despite the setbacks

They are likely to seek the best of both worlds. They will aim to split Nato by trying to persuade the European members that it is no longer in their interest to tie themselves to the US, and at the same time will use catpaws to keep the pot of social unrest in the world at large on the boil.

The communist threat of subversion and take-over is undoubtedly global, and the Western allies will have to decide whether Nato as such should adapt its policy to meet it by



operating outside the original treaty area.

In this context, it is worth recalling that Russia has had its setbacks. Egypt escaped Soviet clutches; in Angola the tenure of Cuban troops hangs in the balance; Mozambique has gone sour and has marked its protest by cooperation with South Africa; Ethiopia is restive; and generally the Soviet invasion and continued occupation of Afghanistan has shocked the Third World.

Those who are ready to organize self-defence can properly and profitably be helped. Nato could not be a universal policeman, but there are strategic interests of the West with which communist Russia cannot be allowed to interfere.

Such situations include interference with the freedom of the seas; action to disrupt the passage of oil from the Gulf or essential minerals from Southern Africa; and an attack on any country to defend the security of which Nato is pledged.

Once such Western interests are identified, the important thing is that they should be defined with precision, so that the Soviet leaders understand the limits they cannot exceed without calling forth forceful retaliation. Communists will adapt their policies to conform to plain and inescapable reality. It is on the uncertainty and irresolution of their opponents that they thrive.

There remains the question of whether Nato is the right body to assume these new responsibilities, which go beyond its original obligations.

To do so would certainly conform to the facts of life, as it is Nato which stands between the free world and a possible takeover by force. The only argument against the use of this particular umbrella is the survival of the myth of neo-colonialism, which might in some instances prejudice Nato's effectiveness.

The alternative is that the leading Nato countries which possess the resources should, on an ad hoc basis, combine for the defence of common interests. The pattern would be that of the American task force off the Gulf, to which a British unit is

attached and adapted as required in any given situation.

If Soviet coups on the pattern of Angola and Granada are to be anticipated and avoided, it will be necessary for countries situated in areas of strategic consequence to make contingency plans.

The Caribbean is an obvious example. The volume and value of trade which passes through that area is enormous, and had the Cubans, with Soviet support, been able to establish themselves across the trade routes, and in proximity to the Panama Canal, the disruption caused would have been traumatic.

All West Indian countries, as well as the United States, Canada and Britain, have an interest in the political and economic stability of that area. So too in the South Pacific. In that complex of islands, newly independent and with few defences, many are vulnerable to Soviet infiltration and takeover. Australia and New Zealand, Singapore and Malaysia should be acutely conscious of the threat that could be mounted to freedom of passage through those seas. So, too, should Japan.

The lesson of two world wars

Nato, or those countries in the alliance which have the means, can take on a lot of the work necessary to ensure that communist Russia does not strangle free democratic peoples. Nevertheless, none can rest in comfort until others put teeth into regional collective security.

Finally, it can be little use to plan for the periphery if the core of the alliance falters.

Whenever (as will be inevitable) there are discussions on the proportions of responsibility which Europe and America should carry, it will be necessary to remember one fact. In two wars against a first-class power in this century, it took the combined might of Europe and America to win. To deter Russia from aggression, Europe or America will not be enough. Both will be required. That truth should be written in capital letters over the chair of the Secretary-General at every Nato council meeting and should be given equal prominence in the foreign and defence ministries of each member of the alliance.

On the unity and cohesion of Nato the peace of the world depends.

Lord Home was Prime Minister 1963-64 and Foreign Secretary 1960-63 and 1970-74.

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A full collection of articles in this series will be published in book form in cooperation with the Georgetown Centre for Strategic and International Studies, Washington.

Phillip Whitehead

The wrong image, Mr Dimbleby

An Open Letter to David Dimbleby Dear David,

Like the seasoned reporter you are, I am sure you are watching this week's annual delegate meeting of the National Union of Journalists in Loughborough with a lively interest. And like the old pro you are, you will appreciate the irony of the situation. Here is a middling union without political affiliations, against which you have brought the full weight of the law now in force against secondary industrial action. It is a law which in the awesome dimensions of the miners' dispute the Government prefers to see inoperative. It is the NUJ which faces the sequestration of its assets, if you proceed further against it, were it to persist in dispute with you. Although your tactics have been criticized by some who are not party to the argument, including one of your respected former editors, you may feel that you will continue to take all the tricks.

You have closed your printing works because you could not get agreement on redundancies from the NGA. Of all the firms in the country to which you might have gone you then chose the one most likely to inflame the dispute still more. Or so we thought. There cannot be many in the Midlands, or especially among the bughers of Nottingham, who do not know the reputation of the T. Bailey Forman Group.

The courts decided, with a wisdom which escapes me, that T. Bailey Forman were not bone of the same bone, flesh of the same flesh, with TBF (Printers) Ltd. of the same abode. So the NUJ, which is in dispute with T. Bailey Forman, proprietors of the *Nottingham Evening Post*, and thought that it was now equally in dispute with you, was told that it was engaged in illegal secondary action by its members at Dimbleby Newspapers Group. A later court decision declared illegal the NUJ decision not to work with you on the BBC *Budget Special*. The facts are not in dispute, but the interpretations are.

Before you proceed further against the NUJ, if its delegate meeting endorses the continuation of strike action at your newspapers, there are some things you ought to reflect on, as your father would have done.

The first concerns your public persona as an arbitrator of public debate on television. Broadcasting recognizes no doctrine of distinct capacities. When many trade unionists believe they are not being fairly reported or discussed by the broadcasters, a public hostility to any one union by any one broadcaster fans the flames.

Until the NUM hold its long overdue ballot, television and radio will be able to present their scepticism about the strike in the coalfields in terms of its own divisions. If the ballot endorses a strike, trade unionists will rally to

the miners because the consequences of not doing so involve acquiescence in the break-up of a major union. There is no way in which a broadcaster who was thought to be assisting a similar process could be seen to be a dispassionate reporter.

You will say that you have no wish to break the NUJ, that it sought the quarrel with you. As a rather lackadaisical member of the union for the past 20 years, I hope you will think possible you may be mistaken. The NUJ has always been uneasy about action which might be seen as "political", and about the company it occasionally keeps. It gets into absurd rows about its own journal, and the ethics of some of its members. But that membership is not blind to what is happening in Britain today, at the hands of the Government over GCHQ, and at the hands of employers who use anti-union laws.



Dimbleby: a grubby prize

It has seen its members driven out of T. Bailey Forman, six years ago, after the local newspaper strike. The managing director of that firm, Christopher Pole-Carew, was reported in January 1979 as saying: "I have always done my best to drive a wedge between union officials and their members. I have always done my best to discredit and humiliate union officials. If a union official comes to see me I will always make certain that he stands throughout our discussions. If I have a meeting with union officials, I do my best to make it continue until after they have missed their last bus or train".

What puzzles me is that you did not pause before taking your trade to Mr Pole-Carew. What angers me is that you kept it there, and for this grubby prize have gone to the courts. There will be plaudits if you return there, from those who think that trade unions must be broken before the hidden hand of the market can hold sway.

Two questions abide. Do you want to be part of such company, when the right of association is itself coming under threat from them? If you do, will the small gains from shedding trade unions compensate for the dismay of those who admired your professional detachment and now see you incongruously attired as the fuleman of the New Right?

Jock Bruce-Gardyne

Now go against the grain

The Lords of the Admiralty, I was taught as a child, had a proud slogan for the Fleet: "The impossible, they proclaim, 'is done immediately'. Miracles take a little longer". In the EEC they take a month or two perhaps. But nobody now seriously doubts that the narrowed gap between what we demanded as the price of our complaisance and what our partners are prepared to concede to us will be bridged before President Mitterand vacates the chair in June. By then Mrs Thatcher's essential preconditions for agreeing to higher subscriptions for the Community will have been met. Pro-Europeans can breathe again.

Or can we? The other day I came across statements made at the time of a previous settlement of accounts between us and our partners. "The arrangements which the Community has now agreed", our Prime Minister announced with pride, "give us an assurance of a repayment in hard cash if we find ourselves in future paying an unfair share of the Community Budget. And his Foreign Secretary added for good measure: "There's been a substantial change in the agricultural policy".

Now that was in the days of Harold Wilson, whose propensity to claim victory when the grown-ups had proved recalcitrant was always endearingly reminiscent of Richard Cromwell's William. Needless to say there was no "substantial change" in agricultural spending, and the repayment in "hard cash" was not forthcoming.

Things are different this time round. Our Prime Minister is made of sterner stuff, and we shall get our rebates. Furthermore, we have it on the authority of Commission Vice-President Tugendhat that "the farm settlement reached in Brussels was the most important development to have occurred in the Common Agricultural Policy for 20 years".

Mr Jopling and his colleagues deserve a hearty vote of thanks from the taxpayers. I hope he's right. For if he isn't, it will only be back to the barricades in two years' time. The rise in the subscription rate from 1 per cent of VAT to 1.4 per cent will be comfortably carried in defiance of backbench rebellion in the Commons (although the Lords are always predictable). But everyone knows this will not suffice for long. In two years' time the heat will be on again for another rise to 1.6 per cent or 1.8 per cent. And since that, too, will require parliamentary endorsement there is certain to be another blinding row - unless by then farm spending can be seen to have responded to treatment. Which is

where the doubts begin to surface. Nature offers three cures for a glut: increased demand, cheaper production, and "nationalist" production. Unfortunately the Community believes in only one - the last. Last week the aptly-named M Villain, bureaucrat-in-chief to the CAP, warned of "the dangerous perspective of a stagnant world market" and record output (after that "most important development" in Brussels, be it noted). He called on all the major producers to cartelize the market.

Since dairy products take the lion's share of the Community farm budget to have been met, Pro-Europeans can breathe again. Or can we? The other day I came across statements made at the time of a previous settlement of accounts between us and our partners. "The arrangements which the Community has now agreed", our Prime Minister announced with pride, "give us an assurance of a repayment in hard cash if we find ourselves in future paying an unfair share of the Community Budget. And his Foreign Secretary added for good measure: "There's been a substantial change in the agricultural policy".

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"Pity she can't run the 5,000 metres"

ness". The prisons fill up with political offenders - about 430 at the last count - and police have searched the apartments of hundreds of people.

The repression, it must be emphasized, is not blanket and in its sharpest form probably affects little more than 3,000 people out of a population of 36 million. But consider the effect of the recent arrest of a sixth-former in a Gdansk school, the brief detention of four of his schoolmates - on suspicion of belonging to a youth wing of underground Solidarity - and the raiding of a dozen apartments. Every family in Gdansk with children of school age now feels the pressure. In this way selective repression has a blanket, intimidating effect on the whole population.

Why is this happening? In the first place it seems that the Jaruzelski leadership has lost its early dynamism. The state of the economy - far worse than the official forecasts would have us believe - is making a nonsense out of economic reform. Many changes are simply not possible or are unrealistic as long as there are no incentives to offer workers.

Second, there is no clear indication that Chernenko and his fellow Soviet leaders are in favour of Poland's reform programme. Third, the homogeneity of the Jaruzelski circle - the inner leadership - is

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physics

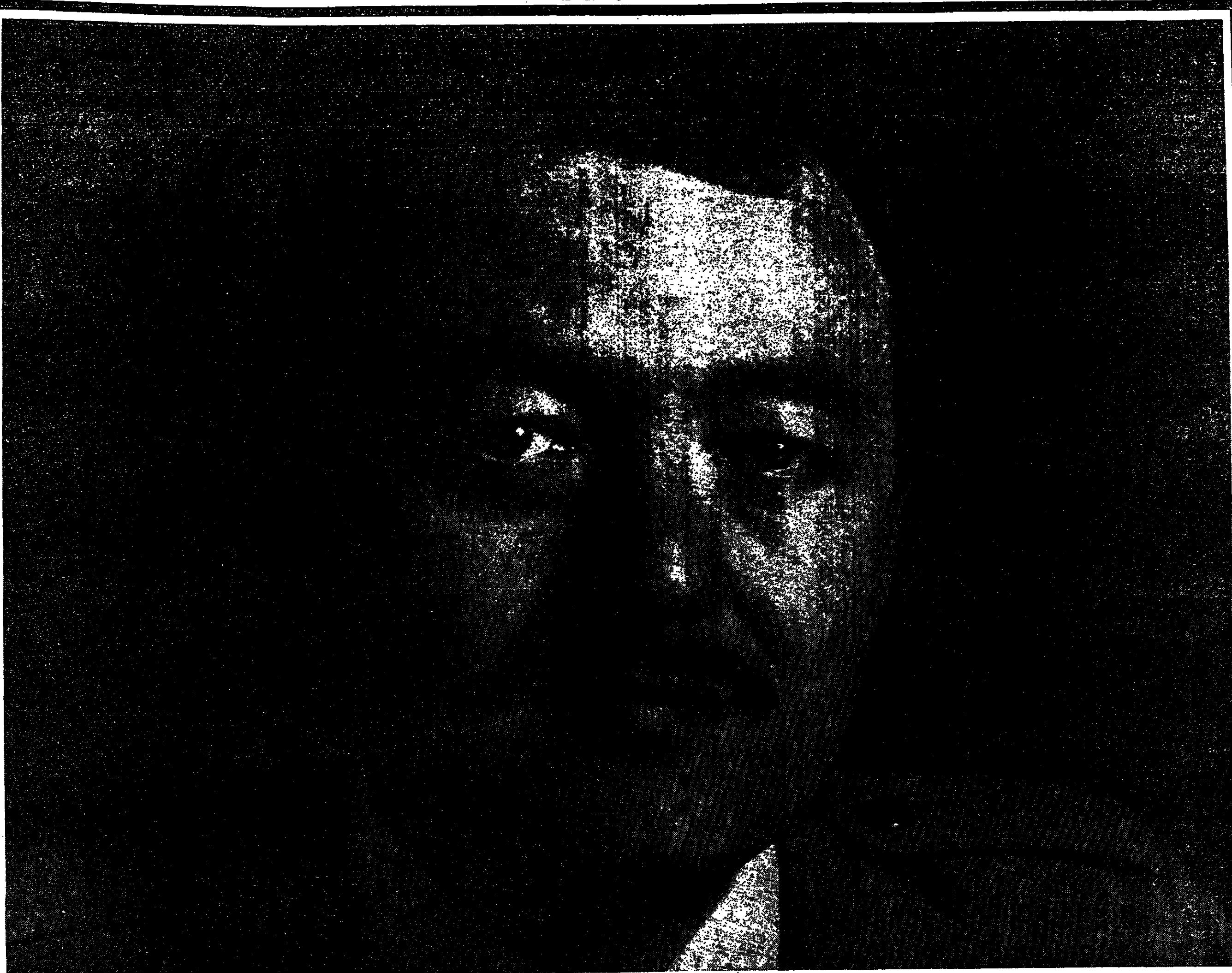
sian steel industry in 1982. It was also the first time that the industry had spent the money on a new house since 1970. The house was built by the Ministry of Defence and was the first of its kind in the world. It was built by the Ministry of Defence and was the first of its kind in the world. It was built by the Ministry of Defence and was the first of its kind in the world.

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L



"IF YOU WANT ME OUT YOU SHOULD HAVE THE RIGHT TO VOTE ME OUT."

Everyone's entitled to their view. The British constitution says you express it through the ballot box.

That's the law.

Unfortunately the Government doesn't like the law as it stands in relation to the GLC.

Today the first bill relating to the abolition of the GLC gets its second reading in the House.

It's devised to wipe out next year's GLC elections. Whether you're Labour, Tory, Liberal or SDP, you'll have no say.

Not since the last World War has your statutory right to vote been withdrawn in this way.

And it's a cynical dismissal of public opinion.

In a recent MORI poll 61% of Londoners of all political persuasions said no.

Only 22%, by the way, said yes.

In every straw poll, overwhelming public opinion has said no to abolition.

On 26th March Tom King the Conservative Secretary for Employment outlined in the House the elementary rights of people to register their vote without interference.

That was in relation to the Trade Union movement.

This Government steadfastly refuses to apply the same principles to the rights of 7 million Londoners.

You may hold the view of course,

that they were voted into power democratically and have the right to do as they wish.

But, nowhere in the Tory manifesto was there a mention of abolishing your right to vote in local elections.

Ask yourself why the Government is intent on doing away with the GLC in the first place.

There has not been a single proposition motivated by the desire to improve London.

What you might have heard have been outbursts.

"Red Ken spending our money on weirdos again."

(For the record less than half of one

per cent of GLC expenditure is allocated to all minorities.)

Don't let bigoted arguments of this kind blind you to the real issue.

This country's centuries old democratic tradition is at stake.

Local Government is one of the checks and balances which safeguard us against the abuse of central Government power.

And it would be an abuse of power for any Government to abolish a democratic institution such as a local authority, simply because it did not like the incumbent administration.

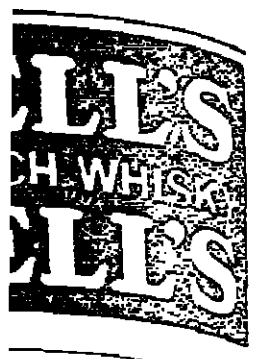
SAY NO TO NO SAY.

GLC COUNTY HALL, LONDON, SE1

Equities strong, gilts fade

ACCOUNT DAYS: Dealings Began, April 9. Dealings End, April 27. \$ Contango Day, April 30. Settlement Day, May 8
\$ Forward bargains are permitted on two previous days.

BELL'S
SCOTCH WHISKY
BELL'S

FINANCE AND INDUSTRY
Executive Editor Kenneth Fleet

BP looks for profit in a corporate embrace

The big shake out in the American oil business has not gone unnoticed at Britannic House, BP's headquarters in London. The company, it seems, is thinking long and hard how best to improve its relationship with Sohio, BP's 53 per cent owned United States subsidiary. A number of options for giving BP management tighter and more effective control over the running of its cash rich US offspring are being studied as part of a general, and overdue, review.

The relationship dates back to the beginning of the 1970s when BP decided to take Sohio, then a relatively obscure US marketing and refining company, as a channel through which to develop its interest in the giant Prudhoe Bay oilfield in Alaska. Historically, BP has always kept Sohio at arm's length. It has just two directors on the 15-man Sohio board, and has mostly been happy to guide rather than instruct Sohio's management how to get on with the task of reinvesting the huge Alaskan cash flow. The legal protection given to minority shareholders in the United States has played a part in this.

A vocal faction on the BP board is not happy with some of Sohio's recent behaviour: the costly and unhappy takeover of Kennecott is the most obvious example.

The drive to sort out the Sohio problem has been accelerated, according to seasoned BP watchers, by the retirement at the end of last year of Mr Robin Adam, the group's deputy chairman, and one of BP's two directors on the Sohio board. Mr Adam, a committee advocate of the arm's length relationship, has been replaced as a Sohio director by Mr Bob Horton, the new managing director responsible for finance. He is thought to favour more radical change.

The one option so far ruled out is the simplest: buying out the minority Sohio shareholders, as Shell is doing with Shell Oil. This would allow BP to get its hands on Sohio's cash flow and use it however it wished. It would however be expensive - at least \$6,000m - and also something of an admission of defeat.

However, there is no shortage of other options. Among those that BP is studying are selling off part of Sohio to the minority shareholders in return for greater BP control of the rump; reorganizing the capital structure of the BP/Sohio group to give BP a greater interest in Sohio's operations; gradually reducing BP's shareholding as the production and cash flow from Alaska starts to decline; and siphoning off the Prudhoe Bay cash flow in the form of royalty trusts.

BP has already begun to give a greater role in its American plans to its directly owned subsidiary BP North America, despite the plaintive cries of Sohio's board. Mr Alton Whitehouse, Sohio's chairman, is also by all accounts, being asked to justify his company's performance more frequently than before: in that most worrying of developments for all senior executives, his photograph has even been dropped from the BP annual report and accounts. The process will continue however.

Check or checkmate for the Revenue?

The Inland Revenue may be about to learn the difference between check and checkmate. Since its game began with Lloyd's of London, Lloyd's has acquired two new players of integrity and toughness: Mr Ian Hay Davison, chief executive, and Mr Peter Miller, chairman, make a team which by all accounts has now learnt to pull together.

After the Inland Revenue's missive to Lloyd's managing agents, who look after the affairs of its 23,500 members, on Monday, Lloyd's next move, by mid-May, will be to present the Inland Revenue with the results of its inquiries into the use of offshore rollover funds for reinvestment. The Inland Revenue smells tax evasion, and is seeking not only to tighten the rules but to recover back payments of tax on moneys exported in this way.

Lloyd's argued that as things stand, tax will be due on the funds once they are repatriated; and that if the Inland

Revenue tries to take its cut when money goes out rather than when it comes back in, the Revenue might actually end up with less.

One reason is that the Inland Revenue cannot dig back further than six years unless it can make a case that there has been wilful default or neglect (it is already demanding information back to 1974-75 but this really means back to 1977-78, because Lloyd's reports three years late in order to allow claims to be settled). And whatever rules are hammered out to govern reinvestment in the future, Lloyd's does not believe the Inland Revenue will be able to establish such a case against the general use of rollover funds in the past.

Lloyd's sorry recent history does not make it easy to claim support for a fight against the Revenue - particularly at a time when the abolition of the investment income surcharge has just helped its membership. But Lloyd's can argue that it needs to build up reserves - and wants to use repatriated funds to do so. The question is, how much would that reduce the Revenue's take, if it accepted Lloyd's view of how to deal with rollover funds?

Lloyd's is continuing discussion designed to clarify the rules, telling its members to cooperate with the Revenue in its search for information, while remaining determined to claim the protection of the law on the question of past tax assessments. Meanwhile it is moving ahead in its efforts to prove it can run a tight ship. Most importantly, it is planning revisions to its rule book to block resignations by members who seek to avoid it; at present they can resign ahead of disciplinary hearings, forcing Lloyd's to use the ordinary courts to recover fines.

A new bye-law passed by Lloyd's council on Monday will require underwriting agents to give full disclosure of "related party interests".

By next month Lloyd's expects to have completed its proposals for divestment - the separating out of insurance brokers and jobbers which by law has to be completed by 1987. There is little gentle sarcasm in Lloyd's about government pressures towards dual capacity in the Stock Exchange and separate capacity at Lloyd's. But it is part of a wider, necessary, process of evolving Lloyd's from a club of country squires who paid up and shut up, to a modern financial institution with a clear and public code of commercial morality.

There is certainly no sign that Lloyd's troubles have discouraged applicants; even before the Budget, the queue was running at a record annual rate of over 4,000. To retain its market share, Lloyd's will need this influx; but it will in turn increase the need for a published, regulatory code of behaviour and central direction by the new breed of Lloyd's headmen. Probity takes time to establish, and longer to prove.

Whitehall's blind eye at Cork

Sir Kenneth Cork, Britain's leading liquidator, started work to reform Britain's archaic insolvency laws almost seven years ago. The Government waited two while debating which clauses to include in a White Paper.

The practitioners, those who move among the dead and dying of British industry, have been given six to seven weeks to respond.

Accountants Arthur Andersen & Co. In its response to the Department of Trade and Industry, seems to speak for all. The firm claims that proposals for setting up insolvency courts to secure "simple expeditious and effective insolvency procedure" have been totally ignored. Sir Kenneth's recommendation that receivers or liquidators be entitled to public utilities without being required to make payments of arrears incurred by failed companies, has also been ignored.

Finally the public has been ignored. Andersen argues that individuals should be given pre-preferential ranking up to a limit of £800 per person, a sum similar to that afforded to employees for back wages.

Harris Queensway agrees £152m takeover of Comet

The Harris Queensway carpet and furniture retailer said yesterday that it was finalizing an agreed £152m bid for Comet, the discount electrical chain. The takeover will bring combined sales of Harris, including the new joint venture with Debenhams, to around £800m a year, placing it among Britain's top eight non-food retail companies.

The chairman, Mr Phil Harris, said yesterday that he had been talking to Mr Michael Hollingbery, Comet's chairman, for about a year. "They have accepted our terms and we are now tying up the loose ends. Harris Queensway is offering one of its shares plus 190p in cash for every three in Comet, equivalent to 189p per Comet share."

News of the bid also lopped a

few more pence off the price of Stylo, the Bradford shoe company which rebuffed a 325p bid from Harris last month. Stylo closed at 196p.

The Harris bid price is below the Comet market price of 208p, in the expectation that the offer document will forecast Comet interim profits slightly lower than last year's £12.8m. But Mr Harris said the deal was good one for shareholders and there would be no dilution of Harris' earnings per share. Comet will remain similar to the present business, retaining its separated identity, but will be expanded to out-of-town sites, particularly in London and the south-east.

Mr Hollingbery, who owns one-third of Comet's shares, will join the Harris board. Mr Harris said Comet's

business was similar to that of Harris, with customers able to take the goods away immediately.

The deal will cost Harris £55m in cash, to be met partly through borrowings, but Mr Harris said the gearing would still be low - "less than 50 per cent."

The deal - his third big venture including the abandoned Stylo bid in almost as many months - would probably be the last for a while. Mr Harris said: "This will take some digesting - it's a major step. In the past we've taken two big steps and then rested."

However, he confirmed that Harris had retained a stake of just under 5 per cent in Stylo. Harris' involvement with Debenhams would have taken it

into the electrical retailing field anyway.

The total electrical turnover of a combined Harris and Comet will be about £400m, but is expected to grow rapidly. Mr Harris believes his group's retail techniques can be extended to other areas - one reason he was keen to acquire Stylo's shoe shops.

● Boase Massimi Pollitt, the advertising agency, easily beat the profits forecast it made for 1983 when it went public a year ago. Pretax profits were £1.65m - some £300,000 more than forecast and more than double the £790,000 recorded the year before. A final dividend of 3.5p is being recommended, bringing the total for the year to 5.5p - 1p more than the flotation forecast. *Tempus, page 21*

State ports share sale to raise £48m

By Jonathan Davis, Financial Correspondent

The Government has lost no time in disposing of its remaining 48.5 per cent shareholding in Associated B' Ports, the former state-owned docks corporation which made a spectacular debut on the stock market when it was denationalized 14 months ago.

Mr Nicholas Ridley, the Secretary of State for Transport, announced yesterday that the Government's remaining 19.4 million shares in ABP will be offered to the public next week at a minimum tender price of 250p a share, raising £4.85m for the Treasury before underwriting commission and other expenses.

The sale comes little over a year after the Government originally disposed of a 51 per cent majority shareholding at what in retrospect has proved to be a bargain price of 112p a share. The flotation in February last year was oversubscribed more than 30 times, giving stock market stages an instant profit and prompting further accusations that the Government was selling valuable national assets on the cheap. The shares have more than doubled in value since then, and closed last night at 265p.

Mr Derek Netherton, a director of Schroder Wagg, the merchant bank which is handling the issue, said yesterday that he expected the striking price at which shares are allocated in next week's tender to be some way above the 250p minimum tender price.

Yule Catto & Co, the industrial chemicals, building materials and paints group, emerged yesterday, as a rival bidder for Donald Macpherson, the Cover Plus paints group, with agreed takeover terms worth £22m.

Analysts said the new terms were "extremely generous" and it was thought unlikely that A B Wilh Becker, the Swedish paint group which has had an unwelcome £13.6m all-cash bid on the table for the past month, will attempt to match them. Mr Rex Chester, the Donald

Rise in M3 kills hopes on rates

Rise in M3 kills hopes on rates

By Frances Williams, Economics Correspondent

The Government's target measure of broad money, sterling M3, rose sharply last month as bank lending accelerated, dealing the *coup de grace* to hopes that interest rates could soon fall further.

The 1.25 per cent jump in the five weeks to mid-March, the first month of the new target period, was rather more than most City analysts had expected. There had been signs at the beginning of the year of some moderation in bank lending but last month's spurt to £1.4 billion, from an average of £1.1 billion in January and February, suggests the authorities may face a tough task ahead to limit sterling M3 growth.

Over the past 12 months sterling M3 has grown by 9.75 per cent, slowing to about 7 per cent at an annualized rate in the last three months. But the broadest measure of private sector liquidity, which the Government uses as a check on sterling M3, has been growing much more rapidly.

There is however little danger of a move to raise interest rates to curb money growth. The Government's other target for narrow money, M0, is giving no cause for alarm. It rose 0.5 per cent last month and has risen by 5.75 per cent in the past year within its 4 to 8 per cent target.



Take: strong trading position

Savoy chairman steps down after 36 years

By William Kay, City Editor

Sir Hugh Wontner, 75, is to step down as chairman of the Savoy Hotel group after a reign lasting 36 years. He will be succeeded on May 1 by Sir Anthony Tuck, chairman of the Ritz Hotel group and a director of Savoy since 1982.

Sir Hugh's departure ends a three-year feud with Lord Forte, also 75 and chairman of the Trusthouse Forte hotel chain which unsuccessfully tried to take over Savoy in 1981 and now sits on 68 per cent of Savoy shares. However, they carry only 42 per cent of the votes because of Savoy's powerful but tightly held "B" shares, created in the 1950s to protect the company from unwanted bids.

Time will tell whether Sir Anthony will defend the Savoy as vigorously as his predecessor, but he certainly inherits a strong trading position.

Sir Hugh yesterday announced a 42.9 per cent dividend increase for 1983, following a jump in pretax profits from £1.8m to £4.4m. Sales were £5.8m higher at £43.3m. The present year has started well.

Lord Forte said: "It is gratifying to see some improvement."

Funds move out of Britain

Fresh indications emerged yesterday that British fund managers began to turn their back on the British equity market last year.

Cubie Wood, part of the Hill Samuel banking and financial services group, published its annual survey of 700 institutional portfolios, worth £20 billion at the end of 1983.

It claims that on average these funds held 48.1 per cent of their assets in British equities, ignoring cash. But, had there been no selling, the figure would have been 52.3 per cent. This implies sales and reduced purchases of about £800m.

Mr Keith Jecks, of Cubie Wood, said: "Many fund managers have been expressing the view that UK equities are unlikely to remain at the high levels we have recently seen, and have been moving assets overseas, especially to Japan."

This confirms recent trends shown in official statistics.

Hungary expands its new-style economy

By John Lawless

Professor Tamas Beck appears the unlikely man to be at the centre of a fierce tussle between Britain's Lee Cooper and America's Levi Strauss for the Hungarian jeans market.

A scientist by training, he has the decidedly rounded figure of everyone's favourite uncle. Yet he is the man who brought Lee Cooper into Hungary last November and is now in Britain, with more than 30 other Hungarian industrialists, to sign up other joint ventures.

"We are engaged in advertising, films, television promotion, brochures, small gifts, but mainly pricing, in our competition with Levis," he said yesterday.

The company which Dr Beck

runs, Budafax, one of the largest textiles producers in Hungary, is producing only 300,000 pairs of Lee Coopers a year. Levis produces between half a million and a million pairs yearly, but the supply differential is not really so great as up to a third go in exports.

Both Lee Coopers and Levis sell for about £13.80, whereas the best locally-made jeans, Trapper, go for £10.50.

Economic changes of the past few years have seen manufacturing companies being given much greater freedom from ministerial control which, in a Comecon country, has not caused great pleasure among the more orthodox economists in the Soviet Union.

BCT back in the black

British Credit Trust, the British finance arm of the Bank of Ireland, has reported pretax profits of £2.475m for the year to December 1983, turning around the £1m loss of 1982. The recovery was largely the result of 70 per cent increase in turnover, to £217.5m. Business

was also stimulated by a fall in interest rates.

The managing director, Mr Brian Davies said: "The present-year should be good. We have only 3 per cent of the finance house market and have everything to go for."

Japanese in Nigeria deal

Banking sources in Lagos and London said yesterday that a group of Nigeria's uninsured trade creditors had arranged a deal for repayment of \$1.8 billion (£1.36 billion) of debts over six years.

The group was said to include three of the biggest creditors - Britain's Unilever and Japan's Mitsui and Mitsubishi - which are prepared to accept a two and a half year grace-period before repayments begin. Their acceptance will almost certainly dictate the terms for other uninsured creditors.

STOCK EXCHANGES

FT-SE 100 Index: 1105.4 up 8.7
High: 1106.8, Low: 1097.9
FT Index: 878.6 up 11.4
FT Gilt: 82.85 down 0.11
FT All Share: 515.37 up 4.26
Bargains: 26,299
Distressed: 15,100
Index: 111.98 up 0.72
New York: Dow Jones Average: (latest) 1140.78 up 6.38
Tokyo: Nikkei Dow Jones Index: 10,515.12 up 24.42
Hongkong: Hang Seng Index: 1099.25
Amsterdam: 169.6 up 0.7
Sydney: AO Index: 756.6 down 2.0
Frankfurt: Commerzbank Index: 1007.9 up 2.0
Brussels: General Index: 151.98 down 0.83
Paris: CAC Index: 170.9 up 1.4
Zurich: SKA General: 310.60 up 0.50

CURRENCIES

LONDON CLOSE

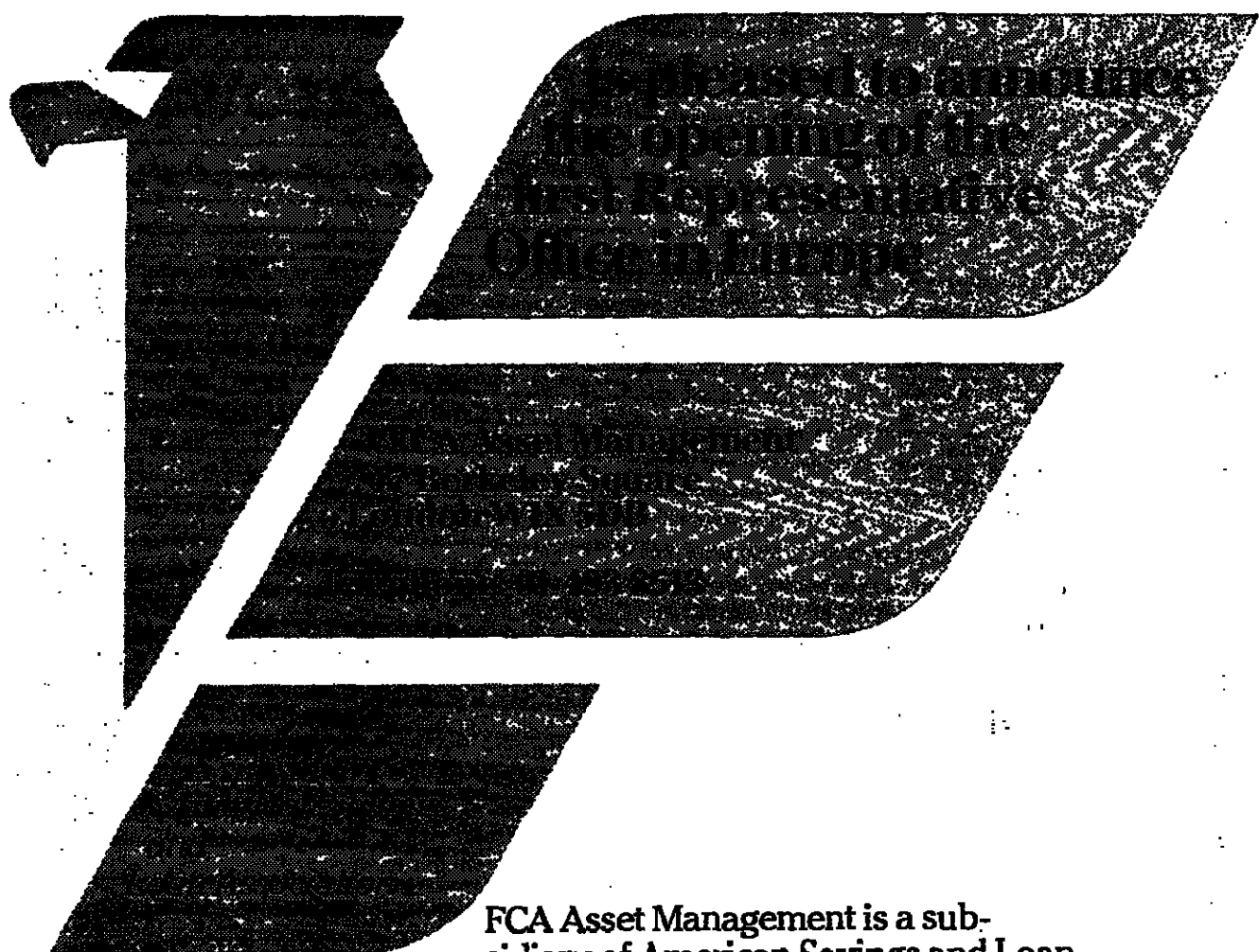
Sterling: \$1.43 unchanged
Index: 51.52 up 0.1
DM: 3.76 up 0.0075
FF: 11.55 up 0.02
Yen: 323.2 up 0.25
Dollar: Index: 127.2 up 0.2
DM: 2.6250 up 0.0018
NEW YORK LATEST
Sterling: \$1.4345
Dollar: DM 2.6250
INTERNATIONAL
ECU: £0.594475
SDR: £0.740756

INTEREST RATES

Domestic rates:
Bank base rates: 8%
Finance houses base rate: 9%
Discount market loans: week fixed 8%
3 month interbank: 8% - 8 1/2%
Euro-currency rates:
3 month dollar: 10 1/4% - 10 3/4%
3 month DM: 5 1/4% - 5 3/4%
3 month Fr: 13% - 13 1/2%
US rates:
Bank prime rate: 12.00
Fed funds: 9 1/2
Treasury long bond: 9 1/4% - 9 1/2%
ECGD Fixed Rate Sterling Export Finance Scheme IV Average reference rate for interest period March 7 1984 to April 3 1984 inclusive: 8.976 per cent.



FINANCIAL CORPORATION OF AMERICA



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NEWS IN BRIEF

Smallest rise in theft claims for ten years

Theft claims cost British Insurance Association members £275.6m during 1983. This is a 17 per cent increase over 1982 - the lowest increase for 10 years. However, theft of personal belongings under household and all risks policies exceeded £200m for the first time, showing an increase of 24 per cent. Commercial theft claims flattened out, after three years of steep increases, reaching £53.6m, an increase of only 3 per cent.

● New contracts worth £350m were announced in London by Dunlop, the tyre and rubber company. The new business is expected to safeguard "for a long time in the future" the jobs of 2,350 staff at Dunlop Aviation division's plant in Coventry.

The contracts include deals with Airbus Industrie, British Aerospace, British Caledonian, the American North West Airlines, Embraer of Brazil, Fokker and Westland Helicopters.

● Car production in Britain weakened in March to a seasonally adjusted 75,000, taking the latest six months to a 5 per cent lower production

total compared with the previous six months.

● Contracts worth about £30m are to be placed with Plessey and STC by British Telecom to improve the data packet-switching network, which handles the transfer of high speed business information.

● Taylor Woodrow, the international construction and development company, has reported pretax profits of £35,922m for the year to December 1983, a 26 per cent increase on last year's £28,537m. Turnover also increased from £609m to £696m. The directors have proposed a final dividend of 19p making 24.5p for the year compared to 19.5p in 1982. They are also seeking support from shareholders for a one for one scrip.

GOLD

London fixed (per ounce):
an \$381.50 on \$381.50
close \$382.50 (\$266.75-267.25)
New York (latest): \$382.20
Kruggerand (per coin):
\$383.50-395 (\$274.75-275.75)
Sovereigns (new):
\$89.50-90.50 (\$62.50-63.25)
Excludes VAT

STOCK MARKET REPORT

Aitken Hume Holdings raises its stake in Hogg Robinson

By Michael Clark

Mr Tim Aitken, chief executive of the banking-investment management house, Aitken Hume Holdings, made no secret yesterday of the fact that he is buying into the shares of Hogg Robinson because he thinks them a prime takeover candidate.

Yesterday Aitken Hume announced that it has raised its stake in the insurance broking-to-travel agents firm to 6.3 per cent from 5.9 per cent. Coupled with a stake of more than 7 per cent held by Mills & Allen International, this means a significant 14 per cent stake has been built up by the two companies. On top of that is the 13 per cent held by the Kuwaiti Investment Office.

All-in-all a very substantial spring board which could mount a bid. Even given that both Aitken Hume and Mills are likely to talk up their own book, Mr Aitken would not comment on speculation that, while in America buying the National Securities and Research Corp., he had canvassed potential buyers of Hogg, one of the last leading independents in its field.

For an investment banker like Aitken Hume, with £1,300m under management, arranging, being involved with, or transacting a US takeover of Hogg would be a notable coup.

Mr Clive Hollick, managing director at Mills, has already said that we have not heard the last of Mills & Allen's involvement with Hogg. A very interesting scenario is building up that increasingly looks like the early stages of a bid. Mr Hollick bought into Hogg at the 130p level, its low for the year and thus could be easily satisfied with making more than a £1 a share profit if he were to sell out, should a competing offer for Hogg come from someone like American Express.

Many analysts believe Hogg is attractive to Mills & Allen because of Hogg's 280 retail outlets, its retail distribution system for insurance and the fact that Hogg will have to divest itself of the insurance agency side over the next few years.

That would be another attractive plum. The insurance agency side contributed £3.2m of Hogg's £10.5m pretax profits last year, so on a present market sector multiple of 10, the agency would be worth about £30m, virtually half of what it would cost to acquire Hogg's 35 million issued shares, which are presently traded at 207p.

After problems with the £17m rights issue of Aitken Hume last November, down 3p are obviously still suffering a hangover. Mr Aitken feels that US operations will contribute 50 per cent of pretax profits "in very short order" and has further moves to make in the United States shortly. He is returning there soon and said:

Mr Tor Stolpe, president of Oy Wartsila, the Finnish shipbuilder which has just built P & O's new flag ship, the Royal Princess for £100m, flew in from New York yesterday to prepare for the group's flotation on the Stock Exchange. Mr Stolpe, along with Cazenove the broker, he will address City institutions. Dealings are expected to start early in May. The shares are already quoted in Helsinki and Stockholm.

The rest of the equity market spent a buoyant day with the absence of sellers enabling dealers to push prices sharply higher in a thin market. More than £1,000m was added to share values as the FT index rose 11.4 to 278.6 - just slightly below its high for the day - while the new FT-SE 100 added 8.7 to 1105.4.

Most of the activity was centred on the leaders and special situations, but jobbers described the business as patchy. Cadbury Schweppes enjoyed a jump of 10p to 137p after revealing its United States expansion plans earlier in the week. Dealers reported heavy United States demand for shares ahead of the proposed New York quote later this year.

Other impressive movers included BICC 5p to 266p after a recent buy recommendation from the broker Laure Milbank, which expects the group to make pretax profits of at least £110m in the present year against £82m last time. BTR rose 3p to 477p along with Beecham 3p to 316p. Blue

Circle 5p to 416p, Distillers 7p to 272p, GKN 5p to 205p, Grand Metropolitan 4p to 330p, Hawker Siddeley 12p to 422p, TI Group 8p to 264p, Treshouse Forte 4p to 226p and Vickers 7p to 165p.

Haason Trust rose 4p to equal its high of 196p despite the news that one leading broker had changed its stance on the group's prospects and was now likely to recommend them to clients as a sell.

The latest money supply figures gave the gilt market cause for concern with prices closing up to 1/4 down on the day having been unchanged earlier in the session. The 1.25 per cent rise in sterling M3 and the high level of bank lending was badly received.

Bank shares had a mixed day still unsettled by National Westminster's assessment of the changes in taxation. Nat West lost another 3p to 657p along with Midland 3p lower at 379p and Barclays 2p easier at 492p. But Lloyds rallied 12p to 609p.

There was significant turnover again in shares of Commercial Union amid growing speculation that a takeover bid was about to break. After a nervous start which saw the shares slip to 224p, the price later recovered to close only 1p lighter at 227p. General Accident lost 10p to 470p after the chairman's warning in the annual report over the cost of the bad weather during the first quarter and problems in the US.

Shares of Croda International rose 4p to a new high of 130p yesterday as one big broker tried to clear the market of all loose stock. Word is a bid may be on the way. A few weeks ago Croda reported pretax profits up from £15m to £17.6m and for the current year analysts are looking for nearer £24m. Back in 1982, the group successfully fought off a bid from Burnham, but dealers say the recovery in profits and a yield of 8 per cent again make it look attractive.

Rio Tinto Zinc raced ahead 16p to 711p ahead of full year figures later today. The market is looking for pretax profits of between £190m to £197m and at least a 10 per cent increase in the dividend. Lasmo, whose

name has been closely linked with RTZ in the past, was starting firm market speculation of the figures, rising 12p to 318p.

H Samuel's agreed takeover bid for James Walker Goldsmith and Silvernith succeeded in gaining acceptances of 86.3 per cent of the ordinary shares. Samuel already owns 40.9 per cent of this, helped by the purchase of Cecil Gee's 14.9 per cent stake. The men's suiters were willing to sell providing they had the option to buy 13 stores from the combined group worth £5.5m. But a takeover panel ruling effectively killed that option yesterday.

If Gee wants the stores it must wait until Samuel declares its bid unconditional before starting firm market speculation. Samuel has extended the offer until next week. It has also received acceptances of 83.2 per cent of the non-voting shares. The voting shares greeted the news with a 3p rise to 136p.

Manganese Bronze, 7p dearer at 50p, is spending £3.5m on buying Mann & Overton, the taxi cab distributor, from Lloyd & Scottish. Manganese intends to raise £600,000 by way of a rights issue to help pay for the deal.

The renewed strength in the dollar on the foreign exchange continued to present problems for gold shares as the bullion price lost ground. The afternoon fix saw the precious metal fall to \$381.35, but by the close it had rallied to \$382.25 - a net loss on the day of 50 cents.

Gold shares made a firm start helped by selective cheap buying, but failed to hold their best levels. Among the dealer producers American Gold fell \$1 to \$120.4, Libanon \$1 to \$39p and Vaal Reefs \$3 to \$130p. Cheaper priced issues saw Valcofina 5 cents lower at 308 cents, East Dagafoestein 5 cents at 525 cents, Elsberg 10 cents at 438 cents, while South African Land was unchanged at 765 cents. There was selective support for Leslie Gold Mines up 3 cents at 358 cents, Loraine 5 cents at 593 cents and Marievale 15 cents at 398 cents.

Equity turnover on April 9, was £269.469m (23,409 bargains). The number of British and Irish shares traded was 194 million. Gilt bargains totalled 3,312.

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TEMPUS Boom in bank lending shakes gilts market

The force was certainly with EM1 during the last banking month, the first of the new target series. This monetary measure, comprising notes, coin and sight deposits, may have grown by as much as 3.25 per cent in the five weeks to March 21. But M1 growth counts for nothing in official eyes, because the measure is no longer used for monetary targeting.

Thus Goodhart's Law, which states that aggregate money growth is only useful monetary measuring gauges when no attention is paid to them, struck back with a vengeance.

Gilt-analysts were also fairly awestruck by the performance of the other monetary funds. EM3, for example, grew by 1.25 per cent under its new incarnation, with public sector deposits stripped out.

The authorities, in a novel switch of policy, helpfully provided a breakdown of the counterparts, which showed a disappointingly low level of net gilt sales at £0.5 billion: an encouraging PSBR at £0.3 billion; and soaring bank lending, in some eyes, at £1.4 billion.

The breakdown of clearing bank lending for banking March contained more than just the odd disquieting detail. Growth in industrial borrowing is non-existent, with the main push for credit coming yet again from the personal sector, which borrowed some £200m. A fair chunk of that lending must be balance of payments sensitive.

Moreover, the growth in earnings may have shown through in the contra-seasonal rise in personal sector deposits of some £600m.

In crude terms, the growth in personal sector lending may add approximately £4 billion to the projected figure for the year. Assuming that the Government Broker now needs to over-fund to stand any chance of meeting his monetary targets, the excessive growth in bank lending translates, in market terms, into four more mega-taps of £1 billion each. The gilt market would like to meet the GB at his earliest convenience to learn of his intentions.

But the Government Broker was moving gracefully yesterday, and refused bids at 8 1/4 for his 2020 long index-linked tap. Shorts were offered an excellent opportunity to fall and shaded 3/16. Longs

dropped around 1/4 point, without panicky selling. Some claimed that the total impact of poor monetary figures had been discounted as effectively as US bond prices had anticipated last Friday's 1/2 point hike in the Fed Discount rate.

Other news from the US may have helped steady the market. Despite another thunderbolt from Dr Kaufman, forecasting high real funds rates on the way, the story from America now suggests that a slowdown in the growth rate is imminent. March jobless figures were steady at 7.8 per cent, while hours worked and overtime dropped back. Should March's industrial output figures show a 1/4 point drop, as forecast by some, then the gilt market may well conclude that US rates have peaked, notwithstanding Mr Volcker's comments yesterday about the problems of financing US trade deficits from capital inflows.

If the Government Broker sees need to sell stock quickly, he need look no further than the low coupon stocks, scene of some aggressive trading recently. The irony of funding into that area where sentiment was hit hard by the Inland Revenue's tax impact on the building societies, would be lost on no one.

Taylor Woodrow

Taylor Woodrow took the City by surprise yesterday with a set of results which exceeded even the most generous expectations. The stock market sent the share price soaring up 45p to 720p. Investors it seems are at last waking up to the true value of the company, which has net assets of about £10 a share.

One of the drawbacks for Taylor Woodrow's shares, apart from the £190m of investment properties, has been the high price compared with other companies in the building and construction sector. The company is seeking approval for one-for-one scrip issue, which will bring the price down to more manageable proportions. Cheaper and more numerous shares might at last allow Taylor Woodrow the rating which it deserves.

This year's impressive pretax profit is due more to the

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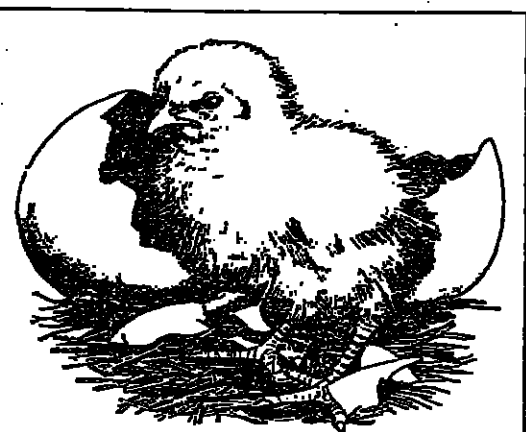
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